

IN RE: PETITION FOR VARIANCE
SE/Corner Cockeysville Road and
Beaver Dam Road
(243 Cockeysville Road)
8th Election District
3rd Councilmanic District

Hocker Realty and Investment Co.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-279-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 243 Cockeysville Road, located in the vicinity of Beaver Dam Road in Cockeysville. The Petition was filed by the owner of the property, Hocker Realty and Investment Company, by George Hocker, President, through his attorney, Newton A. Williams, Esquire. The Petitioner seeks relief from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard/rear yard setback of 5 feet in lieu of the required 30 feet for a proposed 3,125 sq.ft. addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were George Hocker, property owner, James Kline with G. W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, and Newton A. Williams, Esquire, attorney for the Petitioner. Appearing as a Protestant in the matter was S. Stansbury Brady, Jr., Esquire, appearing as General Counsel to the Ward Machinery Company, owner of the adjacent property.

Testimony and evidence offered revealed that the subject property consists of 1.156 acres, more or less, zoned M.L., and is improved with a two-story building, consisting of a 21,200 sq.ft. first floor warehouse,

2/25/97
Date
By

and a 5,000 sq.ft. mezzanine level on the second floor. The Petitioner, Hocker Realty and Investment Company leases space within the building to two tenants, namely Curiosity Kits and Zen Mar Power Tools. Each tenant occupies approximately one-half of the existing building. On behalf of Curiosity Kits, the Petitioner wishes to construct a 3,150 sq.ft. addition to the eastern side of the subject building to provide additional space for their production facilities. Testimony indicated that the Petitioner and Curiosity Kits met with an architect to design an addition that would harmonize with the existing building and provide the additional space needed for their operation. Due to the location of the existing building on the property, the proposed addition will be located 5 feet from the eastern property line which adjoins the Ward Machinery Company property. Therefore, the requested variance is necessary in order to proceed with the proposed improvements.

Further testimony offered by Mr. George Hocker, owner of the property, indicated that the Petitioners are desirous of revitalizing an area of the subject property which has become a collection area for trash and unwanted debris. The Petitioners believe that the proposed improvements will not only enhance the property but will also correct a drainage problem that exists in this area.

As noted above, the adjacent property owner, Ward Machinery Company, through its General Counsel, S. Stansbury Brady, Jr., Esquire, appeared as a Protestant in the matter. No one appeared as a witness on behalf of the Ward Machinery Company. Thus, there was no testimony offered by the Protestants, only legal arguments raised by Mr. Brady.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

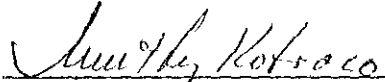
After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It was clear from the testimony that strict compliance with the zoning regulations is not feasible, and that denial of the variance would result in a practical difficulty for the Petitioners. In my view, the proposed addition will not result in any detriment to the health, safety or general welfare of the surrounding locale, and will actually improve existing conditions on the property. In my opinion, the relief requested meets the spirit and intent of the B.C.Z.R. and should therefore, be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of February, 1997 that the Petition for Variance seeking relief from Sections 255.1 and 238.2 of the Baltimore

County Zoning Regulations (B.C.Z.R.) to permit a side yard/rear yard setback of 5 feet in lieu of the required 30 feet for a proposed 3,125 sq.ft. addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>HOCKER REALTY & INVESTMENT CO.</u>	*	COUNTY BOARD OF APPEALS
FOR A ZONING VARIANCE FOR		
SOUTHEAST CORNER COCKEYSVILLE	*	OF
ROAD AND BEAVER DAM ROAD		
(243 COCKEYSVILLE ROAD)	*	BALTIMORE COUNTY
8TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	CASE NO. 97-279-A

* * * * *

O P I N I O N

Ward Machinery Company and Ward Realty Company filed a timely appeal from the Deputy Zoning Commissioner's decision, dated February 28, 1997, granting a variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit a setback of 5 feet in lieu of the required 30 feet for a proposed 3,125 square-foot addition. The subject property is located at 243 Cockeysville Road, 8th Election District, 3rd Councilmanic District, Baltimore County, and is owned by the Petitioners, Hocker Realty and Investment Company.

The Appellants, Ward Machinery Company and Ward Realty Company, were represented before the Board by Keith E. Ronald, Esquire. The Petitioners were represented by Newton A. Williams, Esquire.

George Hocker, president and owner in partnership with other family members, testified on behalf of the Petitioners. Mr. Hocker indicated that Hocker Realty and Investment Company had purchased the subject property in 1985 from Croker Supply. He stated that, although improvements such as new windows, doors and roof had been made, the property remained essentially as it had been when he purchased it: a two-story building consisting of approximately

Case No. 97-279-A Hocker Realty and Investment Co. -Petitioner 2
21,200 sq. ft. in first floor warehouse space and 5,000 sq. ft. on the second floor, occupying an M.L.-zoned lot of 1.156 acres, more or less (Petitioner's Exhibit #1).

During Hocker's period of ownership, the building had been occupied by as many as five tenants, but recently two tenants, Zenmar Tool Repair and Curiosity Kits, had taken over the entire space. The Petitioner offered into evidence (Petitioner's Exhibit #3) a letter from Curiosity Kits explaining their growing business of supplying educational kits for children and their subsequent need for additional warehouse space. To accommodate the request, the Petitioner desired to add 3,100 sq. ft. on the east end of the present building. Such an addition would require a variance to the setback requirement.

Mr. Hocker further testified that, while building the new addition, he would be able to address the serious storm water problem that had existed on the subject property as a result of runoff from property above the subject site. He testified that he had attempted to correct the problem with roof drains to no avail, but, with the proposed addition, a storm water pipe could be located underneath the building to carry the water directly away from the property. He further explained that his property is considerably lower in elevation than surrounding properties, in some areas as much as 8 to 10 feet lower, which creates unusual drainage problems for the site. Mr. Hocker also stated that the property immediately to the east of the subject site is owned by Ward Machinery Company and is not a buildable piece of property.

Mr. Hocker stated that he would face unreasonable hardship if the requested variance were not granted because he would be unable to correct the drainage problem in the most efficient manner, and he would be unable to retain his tenant who needed more warehouse space. He testified that correcting the drainage problem would be expensive, but that he could justify that expense in a commercial structure because he would reap additional revenue from the larger building.

The Petitioner offered into evidence a plat showing the topography of the subject site relative to other parcels in the area (Petitioner's Exhibit #4) as well as photographs showing the storm water runoff damage and problems (Petitioner's Exhibit #5 A-I). He further explained that the addition could not be added to the rear of the existing building because the grade makes that impossible. Also, to add to the side of the building would be complimentary and architecturally pleasing without adversely affecting neighboring M.L. properties.

On cross-examination by the Appellants' attorney, Mr. Ronald, Mr. Hocker testified that the drainage improvements underground as he proposed might cost as much as \$100,000.00. He also noted that Petitioner's Exhibit #1, the site plan, shows 16 parking places, and that parking had not been a problem on the site. The area proposed for the addition is not needed for parking.

The next witness was David L. Martin, a land planner, for G.W. Stephens. Mr. Martin was accepted by the Board as an expert in landscape architecture and site design. Mr. Martin indicated that

Case No. 97-279-A Hocker Realty and Investment Co. -Petitioner 4
the subject property is a 1.1-acre, more or less, property in an industrial area at a corner of Cockeysville Road that slopes down toward Beaver Dam Road. The rear of the subject site is tucked into a bank adjacent to the Ward Machinery site. He further testified that the unimproved M.L.-zoned parcel to the east of the subject site is 50 feet x 185 feet, is owned by Ward Machinery, and under the current setbacks cannot be developed. It was Mr. Martin's opinion that the proposed addition on the east side of the subject property would be a substantial improvement aesthetically and the closed system pipeline would improve the drainage difficulties that the subject site experiences because of its low-lying situation.

Mr. Martin showed an aerial photograph (Petitioner's Exhibit #6) of the area surrounding the Hocker site. This property is one of the smaller parcels and the only one with a single access. He further testified that in the M.L. zone setbacks are the same whatever the size of the parcel; a large building needs no more setback than a small one. On cross-examination by Mr. Ronald, Mr. Martin testified that there would be no adverse effect from the proposed addition because there is no residence nearby. This is an industrially developed area.

S. Stansbury Brady testified for the Appellants. Mr. Brady is general counsel for Ward Machinery and assistant secretary for Ward Realty. He described the drainage problems in the area and the construction of two drainage pipes and rip-rap basin that Ward had created to divert water away from the Hocker property to

Case No. 97-279-A Hocker Realty and Investment Co. -Petitioner 5
Cockeysville Road. He expressed the opinion that this had solved the runoff problem from Ward's parking lot above onto the Hocker property below. He also testified that a break in the parking lot berm had been repaired and that 99 percent of the runoff has been successfully diverted away from the Hocker site. When asked by Mr. Williams, attorney for the Petitioner, to explain what effect the proposed addition would have on the value of the Ward property, Mr. Brady testified that he did not have an opinion on that subject because he was not qualified.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which in pertinent part in this case, allow a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in Cromwell v. Ward, 102 Md.App. 691 (1995), which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case de novo, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

Upon consideration of the testimony and evidence offered during this hearing, the Board finds that the subject property is

Case No. 97-279-A Hocker Realty and Investment Co. -Petitioner 6
unique because of its topography relative to its neighbors. The site is situated in an industrial area at a corner of two roads, up against a bank, some 8 to 10 feet lower than the neighboring property (Ward Machinery) to the south, the undevelopable, unimproved property to the east, and other properties in the vicinity.

Having found that the property meets the first prong of the Cromwell v. Ward standard, namely uniqueness, the Board then considered the issue of practical difficulty or unreasonable hardship. The Board finds that the subject property is of a commercial nature and, therefore, there is a presumption, not necessarily found in residential properties, that the owners have the property for the purpose of economic gain. Hocker Realty and Investment Company needs additional space for an existing and successful tenant. They also need to solve a storm water runoff problem caused at least in part by their low-lying site. They propose to solve both situations by building a 3,100 sq. ft. addition with a closed pipe system underneath to divert runoff. The Board finds that to deny the Petitioner a variance of the setback requirement would cause him both practical difficulty and undue hardship. There is no other area of the site suitable for the proposed addition and, without it, he would lose his tenant to a larger property, thus suffering financial loss.

The Board takes further note that w are not dealing with an M.L.-zoned property adjacent to a residential dwelling. All the properties adjoining the subject site are industrial, and testimony

Case No. 97-279-A Hocker Realty and Investment Co. -Petitioner 7
is not refuted that the property immediately adjacent to the
proposed addition on the east is not developable. Therefore, we
find that the granting of the requested variance is within the
spirit and intent of the Baltimore County Zoning Regulations and
will not adversely affect the neighboring properties.

In conclusion, the Board will grant a variance from Sections
255.2 and 238.2 of the Baltimore County Zoning Regulations to
permit a setback of 5 feet in lieu of the required 30 feet for a
proposed 3,125 sq. ft. addition at 243 Cockeysville Road.

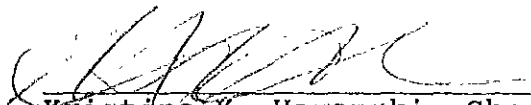
O R D E R

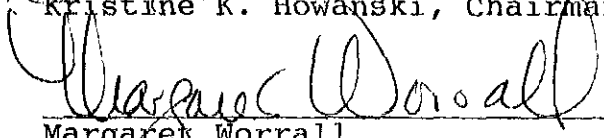
THEREFORE, IT IS THIS 28th day of October, 1997 by
the County Board of Appeals of Baltimore County

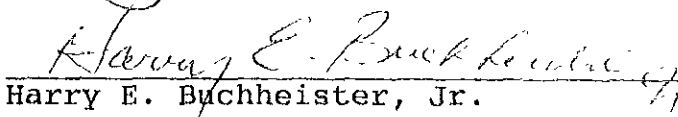
ORDERED that the Petition for Variance seeking to permit a
setback of 5 feet in lieu of the required 30 feet for a proposed
3,125 square-foot addition zone be and is hereby GRANTED.

Any petition for judicial review from this decision must be
made in accordance with Rule 7-201 through Rule 7-210 of the
Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Kristine K. Howanski, Chairman


Margaret Worrall


Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

October 28, 1997

Keith Ronald, Esquire
THOMAS, RONALD & COOPER, P.A.
Suite 314, 409 Washington Ave.
Towson, MD 21204

RE: Case No. 97-279-A
Hocker Realty & Investment Company

Dear Mr. Ronald:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosure

cc: S. Stansbury Brady /Ward Machinery Co.
and Ward Realty Co., Inc.
Newton A. Williams, Esquire
George Hocker, President
Hocker Realty & Investment Co.
Susan L. Magsamen, President
Curiosity Kits
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

March 3, 1997

Newton A. Williams, Esquire
Nolan, Plunhoffs & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SE/Corner Cockeysville Road and Beaver Dam Road
(243 Cockeysville Road)
8th Election District - 3rd Councilmanic District
Hocker Realty and Investment Co. - Petitioner
Case No. 97-279-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. George Hocker, President, Hocker Realty & Investment Co.
1019 Cowpens Avenue, Baltimore, Md. 21286-1626

Ms. Susan L. Magsamen, President, Curiosity Kits
P.O. Box 811, Cockeysville, Md. 21030

S. Stansbury Brady, Jr., Esquire, The Ward Machinery Co.
10615 Beaver Dam Road, Cockeysville, Md. 21030

People's Counsel; Case File

RE: PETITION FOR VARIANCE	*	BEFORE THE
243 Cockeysville Road, Corner S/S Cockeys-		
ville Road, E/S Beaver Dam Road	*	ZONING COMMISSIONER
8th Election District, 3rd Councilmanic	*	
	*	OF BALTIMORE COUNTY
Hocker Realty and Investment Company		
Petitioner	*	CASE NO. 97-279-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumbhoff & Williams, 502 Washington Avenue, Suite 100, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Variance

97-29-A

to the Zoning Commissioner of Baltimore County

for the property located at

243 Cockeysville Road

which is presently zoned

ML-TM

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 255.1 and 238.2 to permit a side yard/rear yard of five (5) feet in lieu of the required thirty (30) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

(Type or Print Name)

Signature

Nolan, Plumhoff & Williams

502 Washington Avenue

Suite 700

823-7800

Address

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Hocker Realty and Investment Company

(Type or Print Name)

Signature

GEORGE HOCKER

(Type or Print Name)

Signature

1019 Cowpens Avenue

575-6524

Address

Phone No

Baltimore

MD

21286-1626

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams

Name 502 Washington Avenue

Suite 700

823-7800

Address Towson, MD 21204

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1/8/97

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING
2/28/97
Date

**The Requested Side Yard/Rear Yard Variance
for the Hocker Property
243 Cockeysville Road**

97-279-A

1. The property is an existing ML-IM property in the older portion of the Cockeysville industrial corridor.
2. The building is a multi-tenant building on a corner lot, with a 25 foot setback from Beaver Dam Road and a 51 foot setback from Cockeysville Road.
3. The requested variance is on the east side against a vacant ML-IM lot.
4. The requested addition will supplement a loading dock and driveway on the east side, and be a better neighbor 5 feet off the property line than the existing drive and loading dock.
5. The existing building is a high ceiling, industrial use, and it would not be feasible to go up in the air with this small 3,125 s.f. addition.
6. The property and building are unique in that they are an older building on a relatively small corner lot. The adjacent property to the east, though vacant, is not on the market and available for side yard/rear yard use.
7. The requested variance replaces a more active, loading use with a building, and as so is unique.
8. Without the requested variance, the owners will suffer practical difficulty and unreasonable hardship, and the requested variance will actually foster the health, safety and welfare of the area.

ORDER RECORDED FOR FILING
DATE 2/28/97
BY [Signature]

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

JANUARY 6, 1997

97-279-A

DESCRIPTION TO ACCOMPANY A PETITION FOR A
VARIANCE FOR 243 COCKEYSVILLE ROAD

BEGINNING AT A POINT LOCATED NORTHEASTERLY 105 FEET MORE OR LESS
FROM THE POINT OF INTERSECTION OF THE CENTERLINES OF BEAVER DAM
ROAD AND COCKEYSVILLE ROAD THENCE IN A CLOCKWISE DIRECTION:

- | | |
|--|--------------------------------|
| 1) N 53° 16' 40" E | 32.73 FEET ± |
| 2) N 36° 30' 20" W | 1.35 FEET ± |
| 3) N 53° 48' 14" E | 52.71 FEET ± |
| 4) S 35° 08' 20" E | 90.17 FEET ± |
| 5) S 35° 08' 20" E | 48.19 FEET ± |
| 6) S 53° 16' 40" W | 147.32 FEET ± |
| 7) N 36° 30' 20" W | 50.00 FEET ± |
| 8) S 53° 16' 40" W | 126.00 FEET ± |
| 9) N 36° 30' 20" W | 85.11 FEET ± AND BY A CURVE TO |
| THE RIGHT 10) RADIUS = 90 FEET, LENGTH = 124.53 FEET | |
| CHORD = N 03° 08' 05" E | 114.83 FEET TO THE PLACE OF |
| BEGINNING. | |

(BEING PARCEL NO. 5 - PLAT BOOK 32 FOLIO 145)

(CONTAINING 1.156 ACRES OF LAND MORE OR LESS)

NOTE: (THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT
TO BE USED IN CONVEYANCES OR AGREEMENTS.)



279

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 23, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 23, 1997.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, Maryland, will hold a public hearing on the application of the Zoning Ordinance, Chapter 21-204, for a Special Use Permit for a single-family detached house in Towson, Maryland, 21204, at the location of the property known as 178 Old Conferences, Washington Avenue, Towson, Maryland 21204.

INTL
E.
IRVEEN

Notice is given that a/k/a David E. Miller, Road Park, 21120 and Marie Dick, 13 Beaumont Ave., Catonsville, MD 21229 was (were) appointed January 8, 1997 personal representative(s) of the estate of Irven Albright who died on December 4, 1996, with a will. Further information can be obtained by reviewing the estate file in the office of the Register of Wills or by contacting the personal representative(s) or the attorney. All persons having any objection to the appointment (or to the probate of the decedent's will) shall file their objections with the Register of Wills on or before the 7th day of July.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

97-279-A

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 279

Petitioner: Hocker Realty and Investment Company

Location: 243 Coburnville Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. George Hocker

ADDRESS: 1019 Cowpens Ave., Towson, Md. 21286

PHONE NUMBER: 575-6524

AJ:ggs

(Revised 09/24/96)

BALTIMORE COUNTY, MARYLAND
OFFICE OF THE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026069

DATE 1/8/97 ACCOUNT 01-615

Item: 279

By: MTK

AMOUNT \$ 250.00

RECEIVED FROM: Nolan, Plunkett, Williams — 243 Cockeysville

FOR: 020- Comm Var — \$250.00

02A9320403MICHRC \$250.00
BA 001047AM01-08-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

97-279-A
0642846

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE

5/20/20

ACCOUNT

15 000-2100

AMOUNT \$

210.00

RECEIVED

FROM:

James E. Smith

FOR:

Office - 500-279-6

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

10/15/2019 10:10 AM

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

035067

DATE 3/27/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Keith E. Ronald

FOR: Appeal # 97-279-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

R4C

CASHIER'S VALIDATION

01A00#0225MICHRC
8A COLL#25AM03-27-97

\$210.00

Request for Zoning: Variance, Special Exception, or Special Hearing

279

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-279-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: to permit a side/rear yard of 5 ft.
in lieu of 30 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 97-279-A

Petitioner/Developer: _____

HOCKER REALTY

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

243 COCKEYSVILLE RD.

The sign(s) were posted on _____

5/8/97 ✓

(Month, Day, Year)

Sincerely,

Gary Freund 5/12

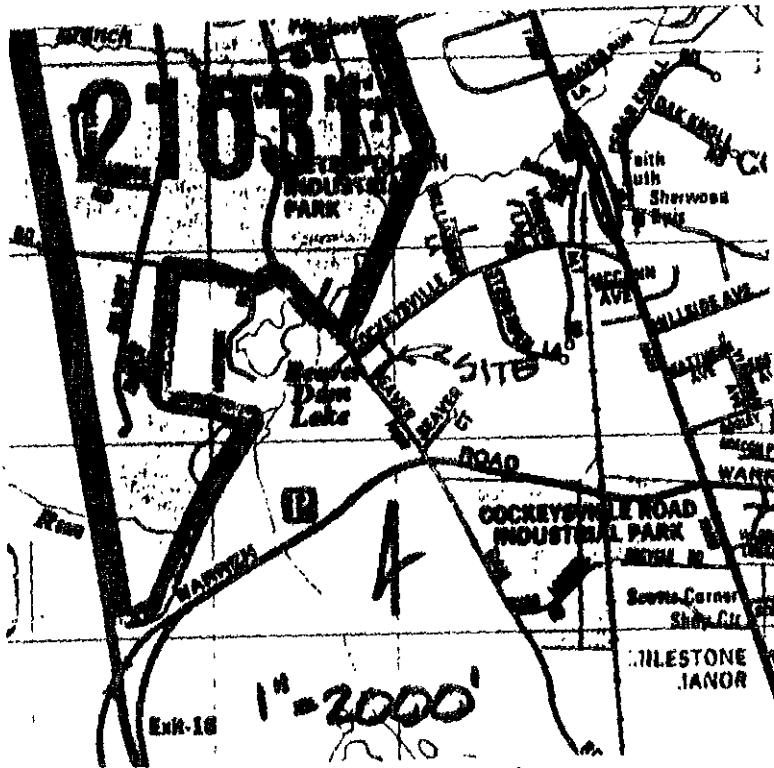
(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)



VICINITY MAP



97-279-A

TO: PUTUMENT PUBLISHING COMPANY
January 23, 1997 Issue - Jeffersonian

Please forward billing to:

Mr. George Hocker
1019 Cowpens Avenue
Baltimore, MD 21286-1626
575-6524

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-279-A (Item 279)
243 Cockeysville Road
corner S/S Cockeysville Road, E/S Beaver Dam Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Hocker Realty and Investment Company

Variance to permit a side yard/rear yard of 5 feet in lieu of the required 30 feet.

HEARING: FRIDAY, FEBRUARY 14, 1997 at 10:30 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-279-A

IN THE MATTER OF: HOCKER REALTY AND INVESTMENT CO.
-Petitioner 243 Cockeysville Road
8th Election District; 3rd Councilmanic

(Petition for Variance GRANTED.)

ASSIGNED FOR: THURSDAY, AUGUST 21, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Keith E. Ronald, Esquire
Appellant /Protestant : Ward Machinery Co and Ward
Realty Co., Inc. /S. Stansbury
Brady, Jr., Esquire

Counsel for Petitioner : Newton A. Williams, Esquire
Petitioner /Legal Owner : George Hocker, President
Hocker Realty & Invest. Co.

Tenant : Susan L. Magsamen, President
Curiosity Kits

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Case No. 97-279-A

Hocker Realty and Investment Co. - Petitioner

SE/c Cockeysville Road and Beaver Dam Road
(243 Cockeysville Road)

8th Election District

Appealed: 3/26/97

(see attached copy of
vicinity map)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 1.17.97
Item No. 279 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 17, 1997

FROM: Pat Keller, Director
Office of Planning

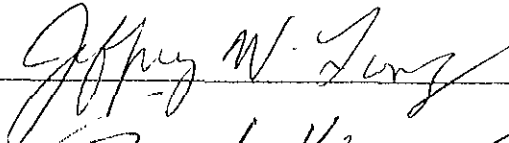
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

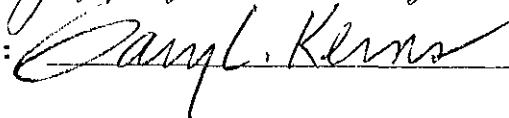
Item Nos. 277, 278, (279), 281 and 283

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:



Division Chief:



PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Jan 23, 97

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Jan 21, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

276
278
(279)
280
281
283
285

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/23/97

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HOCKER REALTY AND INVESTMENT CO.

Location: CORNER OF S/S COCKEYSVILLE RD. E/S BEAVER DAM RD.
(243 COCKEYSVILLE RD.)

Item No.: 279

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

LT. R. SAUERWALD
FIRE MARSHALL OFFICE
887-4881 MS-1102F





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 27, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue
Suite 700
Towson, MD 21204

RE: Petition for Zoning
Variance
SE/Corner Cockeysville
Road and Beaver Dam Road
(243 Cockeysville Road)
8th Election District
3rd Councilmanic District
Hocker Realty and
Investment Co. - Petitioner
Case No. 97-279-A

Dear Mr. Williams:

Please be advised that an appeal of the above-referenced case was filed in this office on March 26, 1997 by Keith E. Ronald, Esquire on behalf of The Ward Machinery Company and Ward Realty Company, Inc.. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, stylized "J" and "A".

ARNOLD JABLON
Director

AJ:rye

c: Ms. Susan L. Magsamen
S. Stansbury Brady, Jr., Esquire
People's Counsel



Petition for Zoning Variance
SE/Corner Cockeysville Road and Beaver Dam Road
(243 Cockeysville Road)
1st Election District - 3rd Councilmanic District
Hocker Realty and Investment Co. - Petitioner
Case No. 97-279-A

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition for Zoning Variance
SE/Corner Cockeysville Road and Beaver Dam Road
(243 Cockeysville Road)
8th Election District - 3rd Councilmanic District
Hocker Realty and Investment Co. - Petitioner
Case No. 97-279-A

✓ Petition for Zoning Variance

✓ Description of Property

No Certificate of Posting Found

✓ Certificate of Publication

✓ Entry of Appearance of People's Counsel

✓ Zoning Advisory Committee Comments

Petitioners' Exhibits: 1 - Plat to Accompany Petition for Zoning Variance
 2 - Fifteen Photographs
 3 - Letter from Susan L. Magsamen to the Baltimore County Zoning Board dated February 14, 1997
 4 - Site Plan

Protestants' Exhibits: 1A-E - Five Photographs

✓ Letter from Newton A. Williams, Esquire to Timothy Kotrocco, Deputy Zoning Commissioner, dated February 20, 1997

✓ Letter from S. Stansbury Brady, Jr., Esquire to Timothy Kotroco, Deputy Zoning Commissioner, dated February 26, 1997

✓ Deputy Zoning Commissioner's Order dated February 28, 1997 (Granted)

✓ Notice of Appeal received on March 26, 1997 from Keith E. Ronald, Esquire on behalf of The Ward Machinery Company and Ward Realty Company, Inc.

c: * Keith E. Ronald, Esquire, Thomas, Ronald & Cooper, P.A., 409 Washington Avenue, Suite 314, Towson, MD 21204
Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204
Mr. George Hocker, President, Hocker Realty & Investment Co., 1019 Cowpens Avenue, Baltimore, MD 21286-1626
Ms. Susan L. Magsamen, President, Curiosity Kits, P.O. Box 811, Cockeysville, MD 21030
S. Stansbury Brady, Jr., Esquire, The Ward Machinery Co., 10615 Beaver Dam Road, Cockeysville, MD 21030
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotrocco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

✓ E

Case No. 97-279-A

VAR -To permit side yard/rear yard setback of 5' into req'd 30' for proposed 3125 sq.ft. addition.

2/28/97 -D.Z.C.'s Order in which Petition for Variance was GRANTED.

6/25/97 - Notice of Assignment for hearing scheduled for Thursday, August 21, 1997 at 10:00 a.m. sent to following:

Keith E. Ronald, Esquire
Ward Machinery Co and Ward
Realty Co., Inc. /S. Stansbury
Brady, Jr., Esquire
Newton A. Williams, Esquire
George Hocker, President
Hocker Realty & Invest. Co.
Susan L. Magsamen, President
Curiosity Kits
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

8/21/97 -Hearing concluded before Board (K.W.B.). Deliberated after conclusion of hearing on 8/21; unanimously decided to GRANT variance request. Written Opinion /Order to be issued; appellate period to run from date of written Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Hocker Realty and Investment Co.
 Case No. 97-279-A

DATE : August 21, 1997 /@ conclusion of hearing

BOARD /PANEL : Kristine K. Howanski, Chairman (KKH)
 Harry E. Buchheister, Jr. (HEB)
 Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
 Administrator

Those present at this deliberation included Keith E. Ronald, Esquire, counsel for Appellant /Protestant; and Newton A. Williams, Esquire, counsel for Petitioner. People's Counsel did not participate in these proceedings.

KKH: I will take judicial notice of Larry Stahl's speech regarding his dislike of deliberation and why, rather than belaboring the point. Mrs. Worrall?

MW: I would agree with the attorney for the protestants that we are strongly led in variance cases by the Cromwell v. Ward decision. I was looking that over during our break and remembering the comments surrounding that decision at the time seems to be a feeling that Baltimore County's regulations were being construed so loosely that they were meaningless from a land use standpoint. I would also have to agree with Petitioner's attorney that the regulation exists so that in appropriate circumstances variances can be granted.

Again, reading over the wording of Cromwell v. Ward relative to uniqueness, I believe Mr. Hocker's parcel meets the burden of the test in this case by virtue of elevation, or lack thereof. It appears to me it is in a unique position in the area surrounding it and that unique physical position creates certain storm water management problems from the property's drainage problems from other properties.

Testimony on the other side acknowledges low-lying quality of the parcel. Once that prong is established, we go on to the second requirement of practical difficulty and unreasonable hardship. It appears that practical difficulty has also been satisfied. This is an industrially zoned parcel; it is in that sense designed to advance the owner's economic situation. In order to do this, drainage problem may be alleviated by diverting water, and at the same time to build addition which will at least help to pay for the solution. It falls within the spirit and intent of the variance regulations, and will not be adversely affecting neighboring properties in any way.

I would support granting of variance.

HEB: Mr. Hocker's testimony stating the reasons for expanding the building to satisfy increasing needs of a tenant impresses me as understandable. By building, will obviously provide needed space, improve appearance and hence utility of building. Also, adjacent commercial property owned by Ward Machinery Company and those remaining properties adjacent -- regarding setback; regarding water drainage problem, longstanding hardship for building and tenants. This difficulty seems to give the site a special uniqueness, especially since corrective measures were not forthcoming for years, and efforts by Mr. Hocker were not sufficient seemingly without the participation of their neighbor, Ward Machinery Company.

Mr. Hocker cited the cost factor in reducing the problem of water drainage. And his objective of retaining the continued lease Curiosity Kits in his building. The water drainage is due to low level building found adjacent to higher elevation of Ward building; I feel it does put him in a unique and difficult situation, coupled with the urgency he faces of providing space for the growing business of his tenants. Mr. Brady's testimony discounted the impact of water drainage from the Ward property. The corrective measures I guess recently taken he felt had eliminated or greatly reduced the problem. However, I feel as the building is presently positioned, all the difficulties that have been reviewed in this matter -- the improvements that would be brought to the area -- the continued setback that would still be there between his site and that of the neighboring properties to the east warrant that this variance has worth.

KKH: I have a little more problem in agreeing with my colleagues, but think I am ultimately inclined to agree. What it comes down to, to me, is we are looking at commercial instead of residential. To a certain extent, I am somewhat tracking most of Margaret's rationale in terms of how one looks at variances. If this were a residential case, I would simply deny the variance. It has function; if you need it larger, then go to another neighborhood.

Here, again, commercially, one can look at it and say you have standards; you have use. If you need to expand, you can go to another spot. But I would have to agree with Mr. Williams that the M.L. regulations do tend to impact more on small properties than large properties. When you're talking about a small property having a 30-foot setback versus a large property with a 30-foot setback, there's a disparate impact. The parcel is unusually unique but does that uniqueness relate to what needs to be done here? I agree with Ms. Worrall -- it's unique by elevation which arguably causes storm water management problems. Whether or not they are caused by neighbor or not, was less than clear today; was clear that neighbor in the past had caused drainage problems. Also

Deliberation /Hocker Realty and Investment Co. /97-279-A

somewhat clear that it had been improved somewhat. The owner himself still has issues; possibly exacerbated by additional drainage.

When push comes to shove, I'm not a fan of variances. I do think in this commercial property, where it has these inherent problems by virtue of topography, they have made a prima facie case for satisfying the first prong of Cromwell v. Ward. I did not find some of the other factors unique. I did not think the other ones particularly were the kind of things contemplated at present in terms of being unique. It does not matter that other properties have variances, etc. You only have to find one uniqueness; we have a unique circumstance.

When you look at material hardship or practical difficulty, again, now that I have been thinking about this a bit -- I view this differently than residential. Here, you do expect commercial owners to have viable businesses, to expect them to be able to expand as reasonable to satisfy those businesses. When we look at storm water issues, it's an interesting one -- looking to resolve a problem and this addition may make it economically feasible to satisfy storm water problems as well. I'm struggling with it a little bit, but, here again, it's an industrial area; may see more latitude to that. The idea is for the owners to advance themselves financially. Here they could do something that is mutually beneficial.


The final part is the area where we assess adverse effects. We had positive testimony, and heard no adverse effects. So I would be inclined to agree with my colleagues on this; maybe not as easily, but I think ultimately I would be inclined to agree on this unique situation.

Accordingly, it looks like we will be issuing a unanimous opinion approving the variance. Anyone feeling aggrieved will have 30 days from the date of our written opinion to file.

This closes our deliberation for the day.

* * * * *


Respectfully submitted,


Kathleen C. Bianco, Administrator

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 11, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

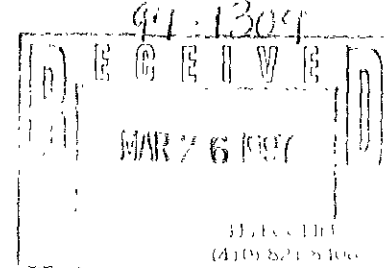
SUBJECT: Closed File:
97-279-A /Hocker Realty and Investment Co.

As no further appeal has been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-279-A)

WILLIAM THOMAS
KEITH E. RONALD
GAIL G. COOPER
DANIEL V. SCHMITZ

THOMAS, RONALD & COOPER, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 296-6777



March 26, 1997

HAND DELIVERED

Arnold Jablon,
Director PDM
County Office Building
Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

3/26/97
8
SW

Re: NOTICE OF APPEAL of
Petition For Variance
SE/Corner Cockeysville Road and Beaver Dam Road
(243 Cockeysville Road)
8th Election District - 3rd Councilmanic District
Hocker Realty and Investment Co. - Petitioner
Case No. 97-279-A

Dear Mr. Jablon:

This office represents The Ward Machinery Company and Ward Realty Company, Inc., 10615 Beaver Dam Road, Cockeysville, Maryland 21030, the owner of the property adjacent to the above-referenced property.

Please accept this correspondence as notice from my client of its appeal of the decision of the Deputy Zoning Commissioner in the above matter. Enclosed is this office's check payable to Baltimore County, Maryland in the amount of \$210.00 representing the \$175.00 cost for the appeal of the Order granting the requested variance and the \$35.00 charge for posting a new sign advertising the hearing date.

Very truly yours,



Keith E. Ronald

KER:ff
Enclosure

cc: The Ward Machinery Company
Newton A. Williams, Esquire



February 26, 1997

Honorable Timothy M. Kotroco
Deputy Zoning Commissioner
Court House
Towson, MD 21204

Re: Hocker Realty & Investment Company
243 Cockeysville Road
Case No. 97-279-A

Dear Mr. Kotroco:

This correspondence is forwarded in opposition to the above referenced variance request and in response to the Petitioner's Post Hearing Memorandum dated February 20, 1997 ("Memorandum").

As the Commissioner is well aware, a variance from the setback requirements imposed by the Baltimore County Zoning Regulations ("BCZR") may only be granted if the Petitioner provides evidence that "special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request". In *Cromwell v. Ward*, the Court of Special Appeals interpreted Section 307 of the BCZR to require that a "property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist...".

In *Umerley v. People's Counsel for Baltimore County*, the Court restated its definition of "uniqueness" as established in *North v. St. Mary's County*, as follows:

"the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area,"

The Petitioner has not presented any evidence, either at the hearing or in its Memorandum, to support a finding that the subject property is sufficiently unique to pass the above tests. Neither the low lying nature of the lot, its location on a street corner or the fact that the building has more than one tenant are unique characteristics not shared by other properties in the area. Nor would any drainage problem on the subject property warrant the granting of the requested variance to construct a 3,125 square foot warehouse extension within the setback area of the property as requested by Petitioner.

THE WARD MACHINERY COMPANY

Honorable Timothy M. Kotroco

February 26, 1997

Page Two

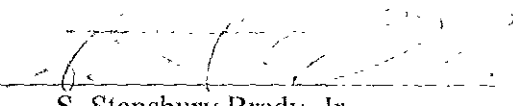
The cases cited in the Memorandum in support of the granting of the variance all predate the *Cromwell* and *Umerley* cases referred to above. For that reason, and because the Petitioner has not provided any evidence indicating that the subject property is unique, the cited cases cannot be used as any type of precedent for the granting of the requested variance.

For all of the reasons set forth above, The Ward Machinery Company would respectfully request that the above referenced Petition for Variance be denied.

Respectfully submitted,

THE WARD MACHINERY COMPANY

By


S. Stansbury Brady, Jr.
General Counsel

SSB/et

cc: Newton A. Williams, Esquire

NEWTON A WILLIAMS
THOMAS J RENNER
WILLIAM P ENGLFART, JR
STEPHEN J NOLAN*
ROBERT L. HANLEY, JR
ROBERT S GLUSHAKOW
STEPHEN M SCHENNING
DOUGLAS L BURGESS
ROBERT E CAHILL, JR
C WILLIAM CLARK
E BRUCE JONES**
STUART A SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D NOLAN
RETIRED 1980
J EARLE PLUMHOFF
1940-1988
RALPH E DEITZ
1918-1990

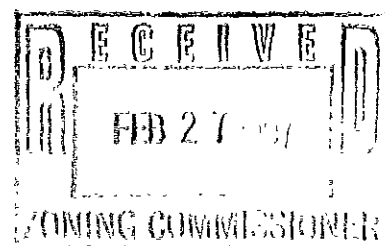
WRITER'S DIRECT DIAL
BP 7856

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

February 20, 1997

Honorable Timothy Kotroco
Deputy Zoning Commissioner
Court House
Towson, Maryland 21204

Re: Petitioner's Post Hearing Memorandum
Hocker Realty and Investment Company
243 Cockeysville Road
Case No.: 97-279-A (Item No. 279)



Dear Mr. Kotroco:

We appreciate the opportunity to provide you with a memorandum concerning our view of this requested side yard variance of 5 feet for the required 30 feet in order to better utilize and clean up the east side of the ML Hocker site in Cockeysville.

UNIQUE FEATURES

From Petitioner's Exhibit 1, it is clear that this 1.16 acre property has a number of unique features as does the building, as required by the phrase "only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request"; which phrase was added by Bill No. 2 in 1992. At the very least, the subject property is unique in the following respects:

1. The property is surrounded on two sides by properties significantly higher than itself, and Ward Realty has accentuated this location "in a hole factor" by raising a portion of the rear of the property immediately to the east for a driveway from the Ward Parking Lot..

2. The Ward Realty property immediately to the east being only 50 feet wide, cannot be the location of a structure or building without a variance. Of course, counsel for Ward Machinery has indicated their opposition to a variance in this case. Presumably, this opposition would extend to their own property which cannot be developed at 50 feet in width. Thus, in effect at least 55 feet will remain open east of Hocker.

February 20, 1997
page two

3. The subject property has a severe drainage problem due to the adjoining Ward Machinery property. Ward Machinery, apparently, was always somewhat higher in elevation than the Hocker property, but, of course, it did not contain 2 to 3 acres of parking lot in its natural condition. Furthermore, it did not contain an asphalt berm curb placed along its northern edge, with a break only at the point where it adjoins the southeast corner of the Hocker property.

4. The subject property is unique in that Ward Machinery, despite assurances to my client to the contrary, has seen fit to utilize the adjoining Ward Realty property, the 50 foot lot to the east, not for storm water management or drainage purposes, but rather merely for a grass plot, which not only receives no drainage from Ward due to the asphalt berm curb previously noted, and which casts some water toward Hocker.

5. The Hocker property located on the corner is unique, in that the improvements shown to Cockeyville Road and to Beaver Dam Road have taken property from the frontage, and there is not room to go out toward Cockeyville Road or Beaver Dam Road due to these improvements. As a corner property, it is unique, unlike the majority of other variances granted along Cockeyville Road on interior properties.

6. Unlike the vast majority of other area properties in the Hunt Valley Industrial Park, the Hocker Property is occupied by various industrial tenants, at this time two in number, i.e. Curiosity Kits and Zenmar Tools, having previously had as many as five industrial tenants. Its multiple tenant nature is unique.

7. The Hocker property is unique in that the landlord, Mr. Hocker, has seen fit to upgrade it considerably since its purchase, and in fact, this proposed expansion on the east end for Curiosity Kits cannot be justified merely on the basis of rental to be received.

PARKING AND TRAFFIC CONCERNS

8. Despite Ward's fears, the proposed addition will give Curiosity Kits additional warehouse space for its seasonal business. New workers are not envisioned according to Mr. Hocker's sworn testimony.

Compared to the size of the Ward Machinery operation, the traffic from 243 Cockeyville Road is minuscule. Again, the seasonal workers are brought by van to the site.

9. Mr. Hocker very clearly indicated to the Commissioner, and has indicated to me, that he is interested in cleaning up a mess, i.e., a low lying area, subject to drainage problems, and subject to clutter and storage of unwanted articles, and to replace it with an attractive building. His desire to clean up this end of the property is somewhat unique among properties in the area.

NEARBY, COCKEYSVILLE ROAD VARIANCES

Judging from the properties along Cockeysville Road, the Hocker property will be unique if it is not granted a variance, since at least the following variances have been granted over the years, according to your records which we would ask you to take judicial notice of:

a. In Case 67-246-R, Nottingham Properties was granted a reclassification of a large area of property including both Ward Machinery and this corner property from R10 to MI. in 1967 by then Deputy Zoning Commissioner Hardesty.

b. In Case 91-492-A, Mr. Royston, of Hunt Valley Motor Coach, was granted over the objection of the adjoining Glover School Supply Company a front yard variance of 1.5 feet for 25 feet of 31 ½ feet for 50 feet and a side yard variance of 5 and 6 feet for the required 30 feet to build a new garage on the bus company's narrow site to service buses. This location is a short distance to the east on the same side of Cockeysville Road, and again is my case.

c. In Case 83-236-A, I represented the McFarlane Construction Company at 215 Cockeysville Road; and we received permission for 2 foot side and rear yards for the required 30 feet again for an industrial building on a narrow lot. This property is also on the same side of Cockeysville Road to the east.

d. In Case 85-64-A, Baltimore Rigging, at 200 Cockeysville Road received a rear yard variance of 5 feet for the required 30 feet, due to the existing location of the building, and need to expand it.

e. In Case 86-352-A, Stenerson Wood Company, at 211 Cockeysville Road, received permission for side yards of 2 feet and 5 feet for the required 30 feet and 10 feet for the required 30 foot rear yard, again due to existing location of buildings.

f. In Case 88-119-A, Schmidt and Cummings received permission at 207 Cockeysville Road for a side yard of 10 feet and 12 feet for the required 30 feet, again due to the narrow nature of these older lots which long predated industrial zoning.

g. In Case 67-54-A, the property at the corner of Cockeysville Road and Williamson Road received permission for a 13 ½ foot rear yard for the required 30 feet. Again, possibly the same property, in Case No. 83-123-A, the owner Kates received permission for a side yards of 23 feet, 19 ½ feet and 3 feet for the required 30 feet, and a 5 foot rear yard for the required 30 feet.

h. In Case 77-214-A, Mr. Bud Frank, the contract purchaser of a former church property received permission for a zero side yard and 6 foot rear yard, both for the required 30 feet in order to build a new building on this industrial property subject to the existing location of church buildings which was the constraint. Again, I participated in that case.

February 20, 1997
page four

i. In Case 74-27-A, Maryland Specialty Wire, again on Cockeysville Road near the railroad, received permission for a 13 foot side yard for the required 30 foot.

HOCKER PROPERTY IS UNIQUE, AND MERITS REQUESTED VARIANCE

Thus, if Mr. Hocker, situated in a hole, located below the Ward Machinery Company's property, which have been built up and extensively paved, is not granted a variance for this requested building improvement, it would be inconsistent with the established practice on Cockeysville Road, and it would make the property more unique in that sense, although it is unique in a physical and building sense already as noted.

We would suggest to the Commissioner that if the viability of this industrial property is to be maintained, and if Curiosity Kits, a Baltimore County business that started off in a garage is to be kept here, the variances are appropriate.

We believe an appropriate response from Ward Machinery is not opposition to this request, but cooperation in the form of financial contribution to establish an appropriate drainage system underground on or along the east side of Hocker, to solve the problem which Ward Machine has increased and concentrated with new paving broken for flow only next to Hocker.

REQUEST TO AMICABLY RESOLVE DRAINAGE WITH WARD MACHINE

While we do not intend to try the drainage case in this case, we can assure Ward Machine and its counsel, that Mr. Hocker if cooperation does not succeed will resort to other legal remedies for this recently aggravated problem. Mr. Hocker's testimony is that the berm curb in question, particularly the offensive break in the curb has been installed within the last three months. Thus, the matter is fresh, and the injury is increased.

REQUEST FOR PERMITS AND DEVELOPMENT MANAGEMENT TO MONITOR WARD MACHINE REQUESTS, PARTICULARLY AS SWM WAIVER

We can also assure Ward Machinery, that since they have seen fit to look into our request for a 5 foot side yard, that we are going to take an interest in present permits, as well as future permits, particularly in seeking storm water management and drainage relief to which we are entitled. Any future improvements to Ward Machinery which involve a storm water management waiver, will be opposed.

By a carbon copy of this letter directed to Permits and Licenses, we are asking them to place a flag on the Ward Machinery property for such improvements, and to note our continuing objection to any improvements which ask for, or seek a storm water management waiver.

February 20, 1997
page five

WARD MACHINERY HAS LOT UPON WHICH TO SOLVE WATER PROBLEM

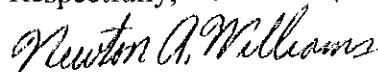
We believe that the Ward Realty property adjacent to Hocker to the east will be improved by the proposed addition to the building and the elimination of this cluttered and messy area. We also believe that this area, some 50 feet in width, would be the appropriate site for a storm drain system serving Ward which will take water from the increased, repaved Ward paring lot and channel it to Cockeysville Road at an appropriate inlet.

We are asking Permits and Licenses to consider such a solution as to all future Ward requests. A diagram of the 13.4 acre Ward Property, mostly paved, is attached hereto for all to consider.

Bear in mind that Ward Machinery, which is seeking to acquire property in the area, was the only protestant in this case. No negative comments were received from any County agency or the State Highway administration. Furthermore, Mr. Hocker has shown his good faith by his existing treatment of the building, by his employment of an architect, and by his undertaking to make this improvement, which cannot be justified purely on economic criteria.

Thanking you and your staff for your kind attention to this memorandum, and looking forward to any reply that Mr. Brady may have on behalf of Ward, I am

Respectfully,



Newton A. Williams

NAW:mao

cc: Mr. John R. Reisinger, Buildings Engineer
Mr. Raymond S. Wisnom, Jr., Assistant Buildings Engineer
Mr. Thomas L. Vidmar, Chief, Engineering Services, DEPRM
S. Stansbury Brady, Jr., Esquire
Mr. George Hocker
Mr. James Kline

CURIOSITY KITS

Adventures in Arts, Sciences and World Cultures

February 14, 1997

Baltimore County Zoning Board
Towson MD 21204

To Whom It May Concern:

I am writing this letter on behalf of Hocker Realty, our landlord at 243 Cockeysville Road. We currently occupy the far east end of the 243 Cockeysville Road building. Attached please find a background sheet describing Curiosity Kits.

We manufacture and distribute educational craft kits for children. While we are in operation all year long, our business increases significantly between August and November for the holiday season. At this time of year we require additional space for our production facilities. We would like to remain in our current location here in Baltimore County.

With George Hocker's cooperation we have met with an architect, Mr. Colimore, to design an addition to the east side of our current location. The addition would harmonize with the existing building and allow us the additional space that we need to run our operation.

We would like to see the addition be approved as requested by George Hocker. Please feel free to call me if you have any questions regarding my intent. Thank you for considering our request.

Sincerely,



Susan L. Magsamen
President

RECEIVED
BALTIMORE COUNTY ZONING BOARD
FEB 14 1997

13

By: (17-11) # 5

Curiosity Kits, Inc.

CREATOR: Susan Magsamen

FOUNDED: 1988

OWNERS: Scott Garrett, Susan Magsamen

SUBSIDIARY: Curiosity Development, Inc.

OFFICES: Cockeysville, MD 800/584-KITS

HISTORY: While working for Maryland Public Television in the mid-'80s, Susan Magsamen was asked to plan and implement a children's cultural arts camp sponsored by the Cloister's Children's Museum. As part of the camp activities, Susan created craft projects that eventually were packaged and sold in the Museum's gift shop, The Curious Hare.

After several years of working in marketing and public relations, Susan decided to rejuvenate her hobby of exploring different cultures through various crafts and activities, and began producing and marketing Curiosity Kits for wholesale distribution. The line has grown to include more than 50 craft kits exploring the arts, the sciences, make believe, and world cultures for children and adults of all ages. Curiosity Kits are sold in specialty gift, toy, book, and museum shops nationwide and in Canada.

MISSION: To provide children and their families the high-quality materials, tools, and comprehensive information needed to discover new places, imagine, and create lasting treasures and simply have fun. All Curiosity Kits are fully equipped with everything needed to complete each project, including markers, glue, and sandpaper when necessary. Carefully crafted cultural, scientific or historic background, clearly illustrated instructions, and thoughtful guidance for activating the imagination are also included to ensure a satisfying, successful experience.

PRODUCTS: The full Curiosity Kits product line features more than 50 original kits that help children explore the world around them and their own unique role. The quality crafts and activities enable children to make lasting works of original art, to investigate the realms of science, to celebrate cultures worldwide, to explore pretend play, and simply to have fun. All of the high-quality materials needed to create handmade treasures are included as well as easy-to-follow, comprehensive instructions with clear illustrations and background information that provide kids with a meaningful context for the craft.

The diversity of the 1996 additions to the product line appeals to children with different skill levels, learning styles, and areas of interest. Many of our new kits combine subject categories. Science and art blend with Crazy Clay Bugs. Kids learn fascinating entomological facts about 14 different bugs, then mold and bake clay replicas of each

one. Children discover the art and science of balance with Modern Art Mobile when they create a fun and funky mobile with lots of colorful, plastic trinkets.

Three other projects are also new to the Arts category. In Make a Comic Book Adventure budding young writers and artists create two of their own unique comic books. The 50+ traceable images provided make this kit accessible for all children. Classic art forms become contemporary with Mosaic Pottery as children design a mosaic on a pattern, then affix their design to a 4" terra cotta pot using grout. With Ultimate Handcrafts, a multi-activity introduction to the art of sewing, kids create practical and pretty handmade finished pieces including a needlepoint heart magnet, a dragonfly pincushion, and a counted cross-stitch cover for the sewing box included in the kit.

In 1995 we introduced the Make Believe category for children ages 4 and older to encourage adult-child interaction, hands-on discovery, and lifetime skills development. This year we've added two kits that introduce both building and planning skills. With Toolbox Builder children follow a fun blueprint instruction poster to assemble and paint a sturdy wooden toolbox. The 17-piece metal toolset allows for hours of open-ended, pretend play. My Own Calendar provides an introduction to planning skills as children make and personalize their own calendar.

This year marks the introduction of five new smaller, lower-price projects that give a child the basics of a new craft skill with a shorter time commitment. These playfully designed kits are perfect for party favors, stocking stuffers, and vacation adventures: Leather Secret Pouch, Native American Kachina doll, Peruvian Ocarina Whistle, Bead Loom Bracelets (which includes a preassembled mini-loom), and Macramé Friendship Bracelets.

Other jewelry kits include Clay Bead Jewelry, Jewelry, Semiprecious Stone Jewelry, Recycled Jewelry, and Watch Part Jewelry, in addition to the World Jewelry series: African Trading Bracelets, Oriental Trading Bead Jewelry, Southwest Jewelry, and Venetian Glass Bead Jewelry. Children achieve beautiful results with these projects as they gain insight into customs around the world.

Our World Cultures category expands with the second addition to our Dolls of the World series, Russian Folk Doll. This easy-to-assemble 15" kukla is made using simple stitching techniques. She dons a brilliantly colored, authentic skirt and scarf made from custom-printed fabric. With Porcelain Doll, the premiere doll in the series, children stitch the body, attach the porcelain parts, and sew a dress and accessories for a European-style classic.

This year's two codevelopment projects with National Geographic also encourage kids to discover more about the world around them. Kids explore their own personal geography with My World Quilt. This 24" x 38" instant keepsake is preprinted with blocks for kids to draw and color their own personal geography from "This Is Me" to "This Is My Universe." The 60-page atlas included is a handy reference and coloring book that

contains information on state flowers, mottos, flags, and more. Children learn the geology and history of numerous semiprecious stones with Nature's Jewelry as they create an international jewelry collection of two necklaces and three pairs of earrings using jade, amber, cinnabar, and more.

This year we continue another codevelopment relationship, with NOVA, the premier science television program for more than 25 years. With Building Stonehenge children build a permanent scale model of the mysterious ancient structure with granite clay they mold, bake, and attach to a site plan. Kids can predict the sun's position and follow its annual path using the sundial, solar calendar, and solar motion compass they construct. You're a Special Effects Movie Artist allows a full investigation into the fascinating world of movie special effects. All of the materials are included to construct a variety of tools that demonstrate the magic of the movies: a zoetrope, a shrinking room, an amazing morphing machine, and more. Recipes for fake blood, green slime, and other gruesome kitchen effects--are also included.

All of these new kits join our other established favorites: Angel Pins, African Mask, American Indian Moccasins, American Indian Pottery, Blockprinting Natural Notepaper, Bluebird House, Insect House, Kaleidoscope, Lap Top Weaving Loom, My Journal, Potpourri Sachets, Seasonal Gathering Basket, Stained Glass, Stone Sculpture, Thumb Piano, Victorian Jewelry Box, and Wildlife Masks.

In addition to our own products, Curiosity Kits, Inc., develops and produces exclusive products for several national companies. Private labeling accounts include Barnes & Noble, Childcraft, and HearthSong, among others.

PRICES: Curiosity Kits start at \$7.00 retail.

AWARDS: Curiosity Kits is proud to have received these honors:

Canadian Toy Testing Council

Gold Seal: Oriental Trading Bead Jewelry, Skygazer's Mobile, 1993

Dr. Toy

10 Best Children's Creative Products: My Medieval Fairy Tale Adventure, 1995

100 Best Children's Products: My Medieval Fairy Tale Adventure, 1995

10 Best Children's Creative Products: Ultimate Handcrafts, 1996

100 Best Children's Products: Ultimate Handcrafts, 1996

Family Fun Magazine

Toy of the Year Finalist: Clay Bead Jewelry, 1995

Toy of the Year Finalist: Take an Egyptian Adventure (with NOVA), Victorian Jewelry Box, 1994

HearthSong

Award for Excellence in Quality of Product: the Curiosity Kits line, 1993, 1994

National Parenting Publications

Honors Award: How To Fly (with NOVA), World Geo Puzzle (with National Geographic), 1995

Honors Award: Make a Comic Book Adventure, My Own Calendar, Peruvian Ocarina, 1996

Oppenheim Toy Portfolio

Gold Award: Clay Bead Jewelry, Recycled Jewelry, Semiprecious Stone Jewelry, Venetian Glass Bead Jewelry, Wooden Bead Loom, World Jewelry (with National Geographic), 1995

Gold Award: Clay Bead Jewelry, Wooden Bead Loom, World Jewelry (with National Geographic), 1996

Gold Award: Leather Secret Pouch, Mosaic Pottery, Nature's Jewelry (with National Geographic), Peruvian Ocarina, Russian Folk Doll, 1997

Platinum Award: World Geo Puzzle (with National Geographic), 1996

Platinum Award: My World Quilt (with National Geographic), 1997

Top Green Product List: Recycled Jewelry, 1994

Top-rated Multicultural Product: World Jewelry (with National Geographic), 1996

Parenting Magazine

Nation's Top 100 Toys: Stained Glass, 1993

Toy of the Year Award: Explore Our Human Origins (with NOVA), 1994; Treasures of Ancient Cultures (with National Geographic), 1995; Make a Comic Book Adventure, 1996

Parents' Choice Foundation

Doing and Learning Honor Award: Semiprecious Stone Jewelry, 1992

Doing and Learning Honor Award: World Geo Puzzle (with National Geographic), 1995

Parents Choice Approved: American Indian Pottery, 1992

Parents' Choice Approved: African Trading Bead Jewelry, Oriental Trading Bead Jewelry, Venetian Glass Bead Jewelry, 1993

Parents' Choice Approved: Make a Comic Book Adventure, 1996



**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS**

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**CURRICULA VITAE
DAVID L. MARTIN, L.A.**

**Director of Land Planning / Landscape Architecture
George William Stephens, Jr., & Associates**

Professional Registration: Landscape Architecture
Maryland - No. 776
Pennsylvania - No. 573-E

Education:

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

American Society of Landscape Architects, Member
Urban Land Institute, Associate

Professional practice includes 26 years of land planning, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has previously been qualified as an expert in land planning, site planning and zoning issues in Baltimore County, Howard County, Harford County, Anne Arundel County and the Federal District Court in Baltimore.

Mr. Martin has practiced in the State of Maryland for the past ten years. Additionally, he has practiced in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

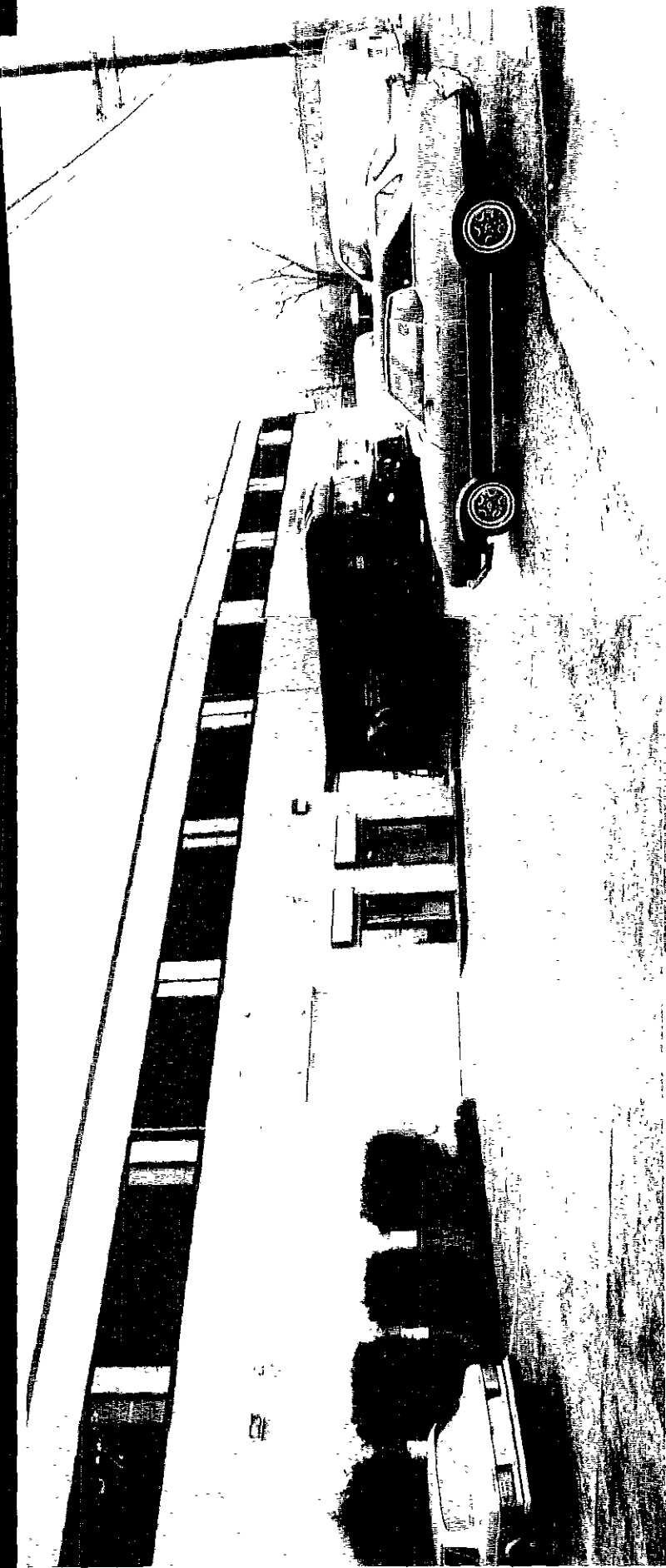
Significant planning projects include Cedar Lane Farms PUD, Baltimore County, Westwicke, Baltimore County, developments of Regional Impact (DRI) in Florida including: Palm Coast - 10,000 acre master plan, Florida - 6,500 acre mixed use PUD master plan, and Doral Park. Mr. Martin also directed a planning team to design a mixed use residential resort community in the Commonwealth of the Bahamas.

Mr. Martin has prepared numerous comprehensive zoning petitions in previous zoning cycles in Baltimore County including the 1996 issues. He also served on an ad-hoc committee which authored the Service Employment (SE) zone of the Baltimore County Zoning Regulations.

TOWSON: 658 KENILWORTH DRIVE • SUITE 100 • TOWSON, MARYLAND • 21204 • (410) 825-8120 • FAX (410) 583-0288

BEL AIR: 203 EAST BROADWAY • BEL AIR, MARYLAND • 21014 • (410) 879-1500 • (410) 838-3800 • FAX (410) 893-0125

P.E. - Professional Engineer; P.L.S. - Professional Land Surveyor; P.P.L.S. - Professional Property Line Surveyor; L.A. - Landscape Architect



A. Cockeysville Road Facade - 243 Cockeysville Rd.

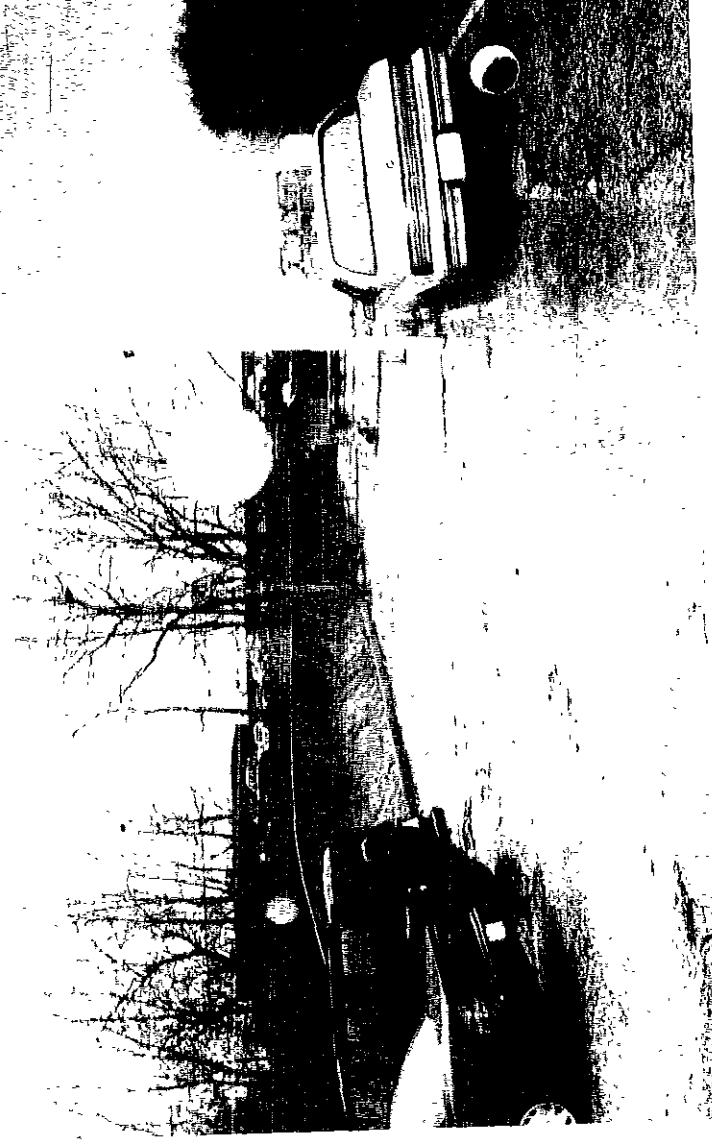
Robert Heath and Investment Company

97-279-4.

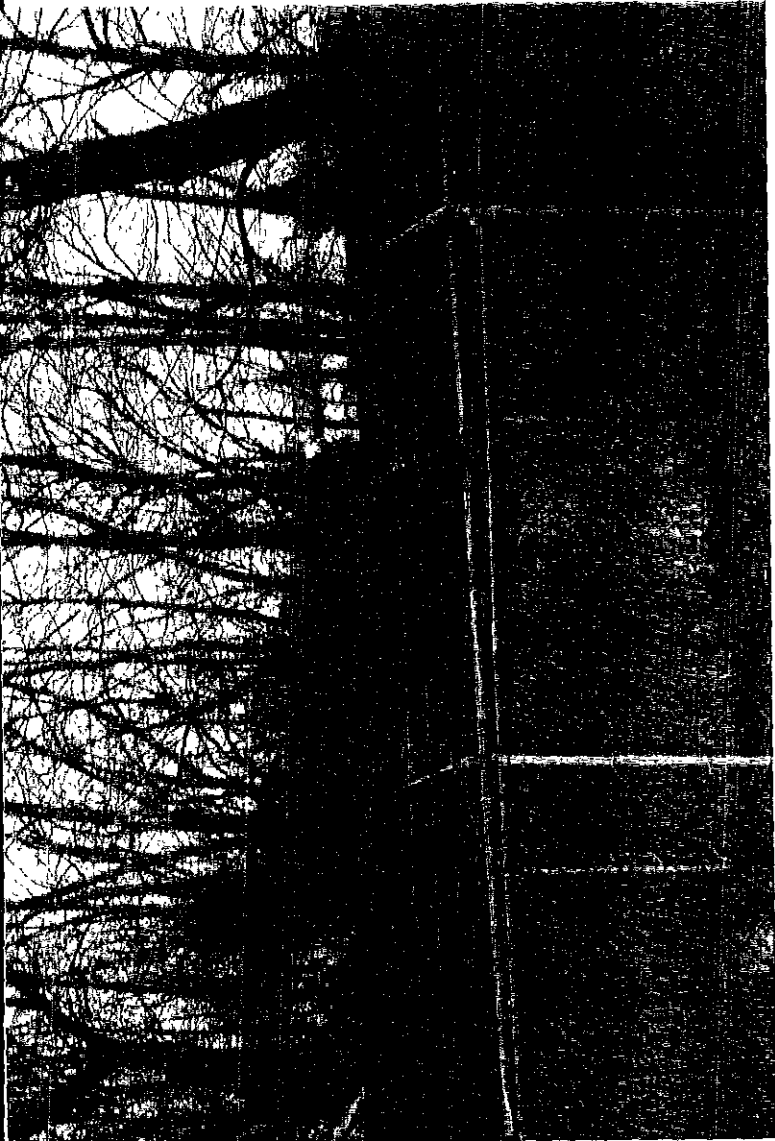
2



B. Looking SE on Cockeysville Rd.



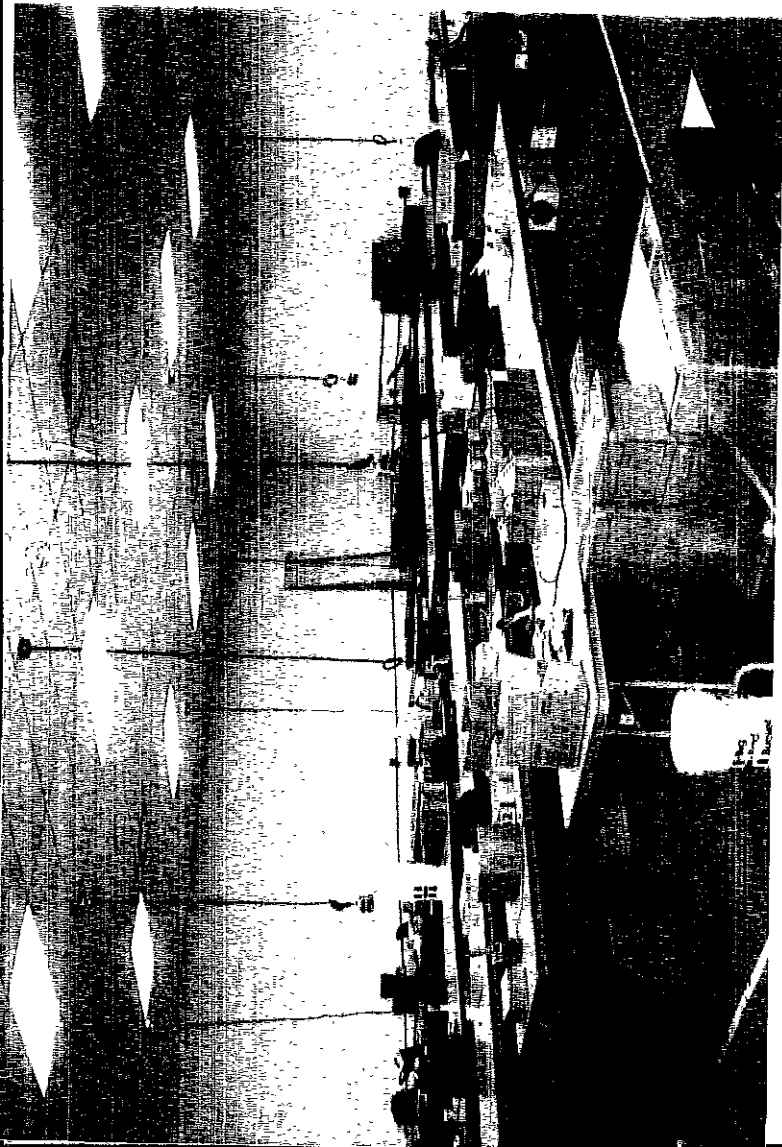
C. Low, wet, cluttered area
to be replaced with Building
Addition



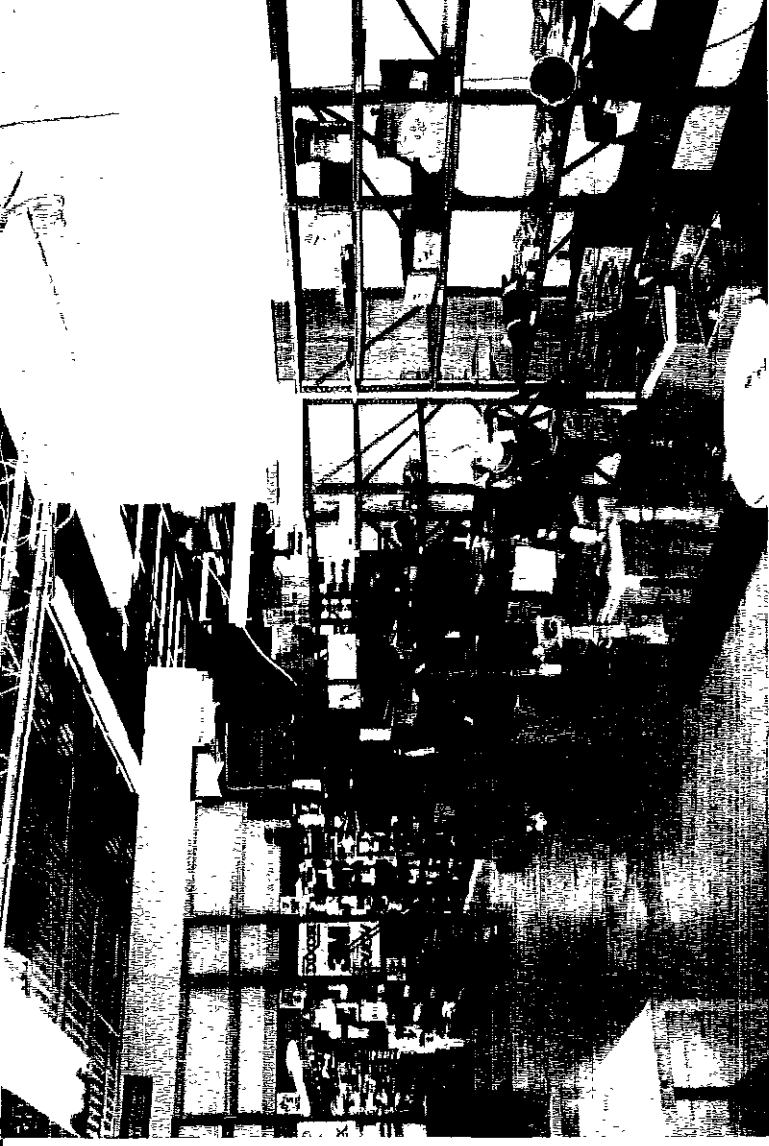
D. Looking S/E. thru fence from
Harker Property



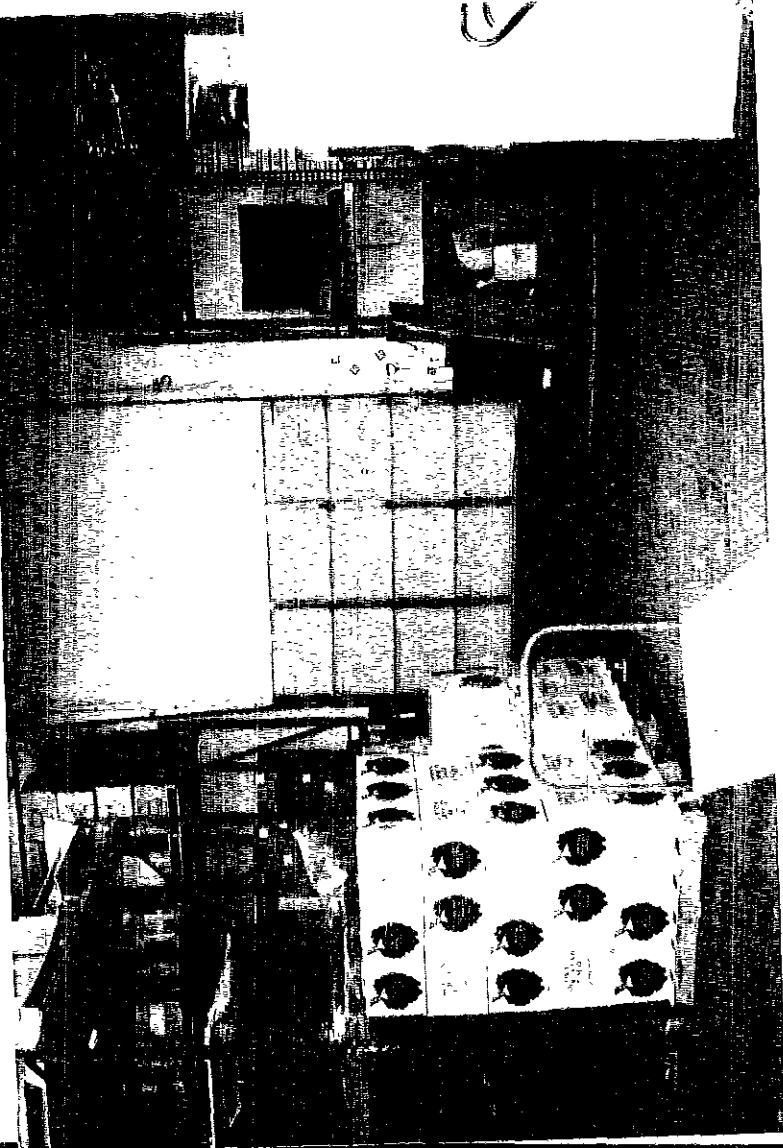
E. Harker from Ward Machine
showing water break
in creek.



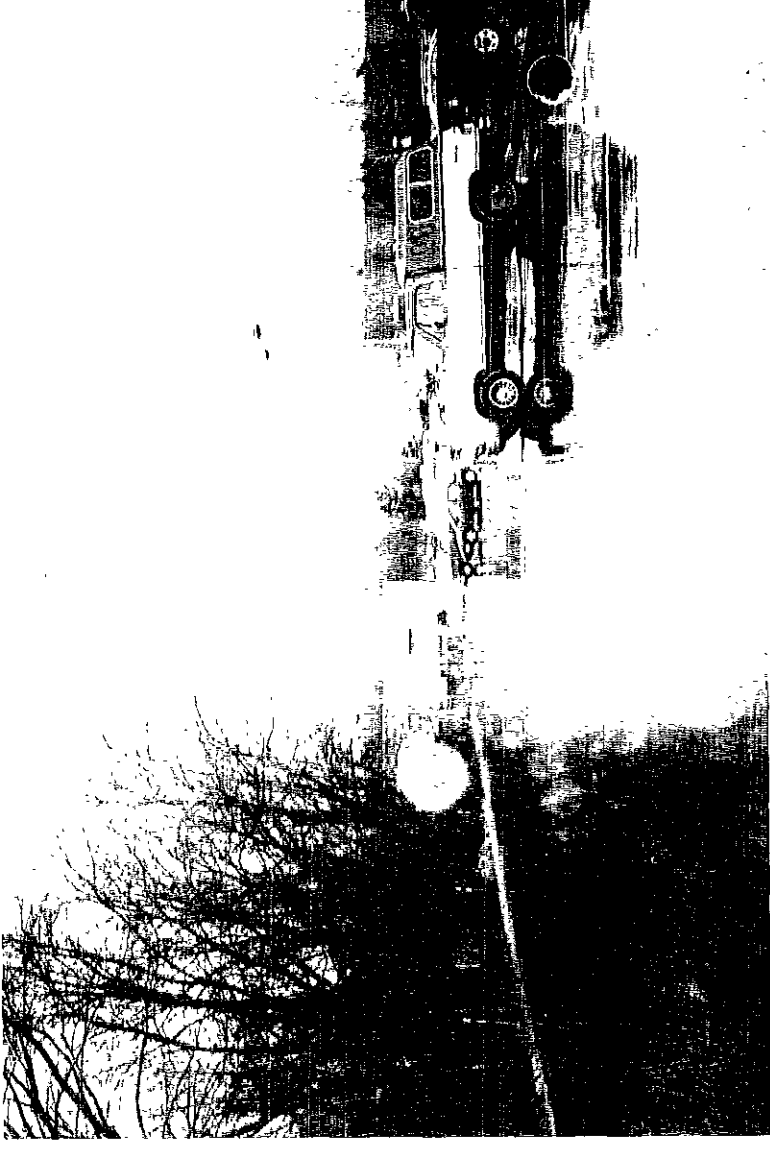
F. Interior to Curvature Kites



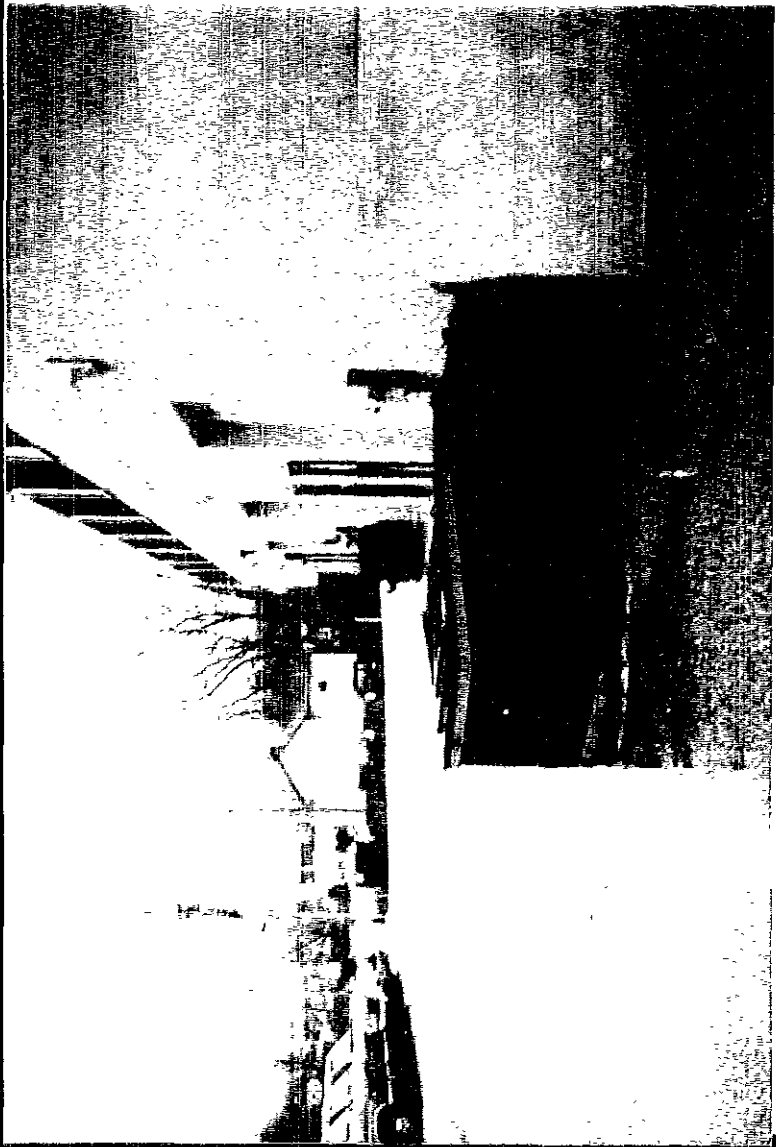
G. Zimmer Tools Interior



H. Curiosity Kits side door



S. Ward Machine looking East.



J. Looking East along building



K. Changes with respect
drawn



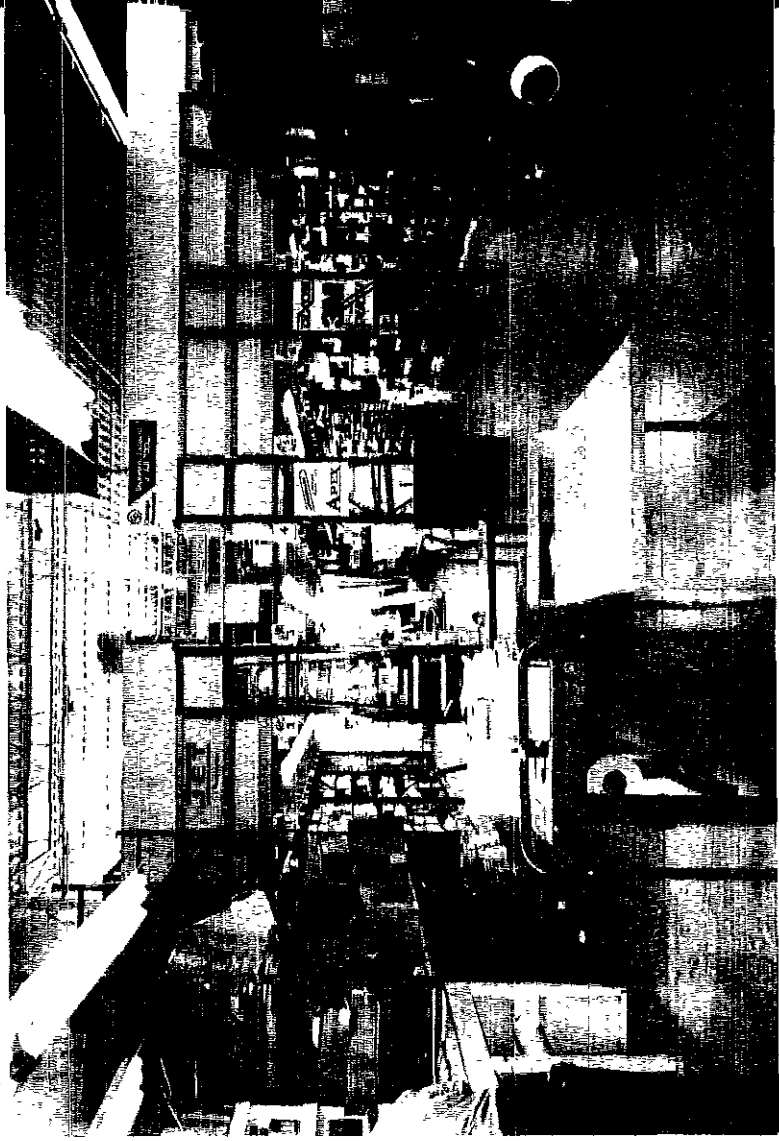
To Hooker from Ward Machine



*M. Looking down Beaver Dam Rd.
from Cockeysville Rd.*



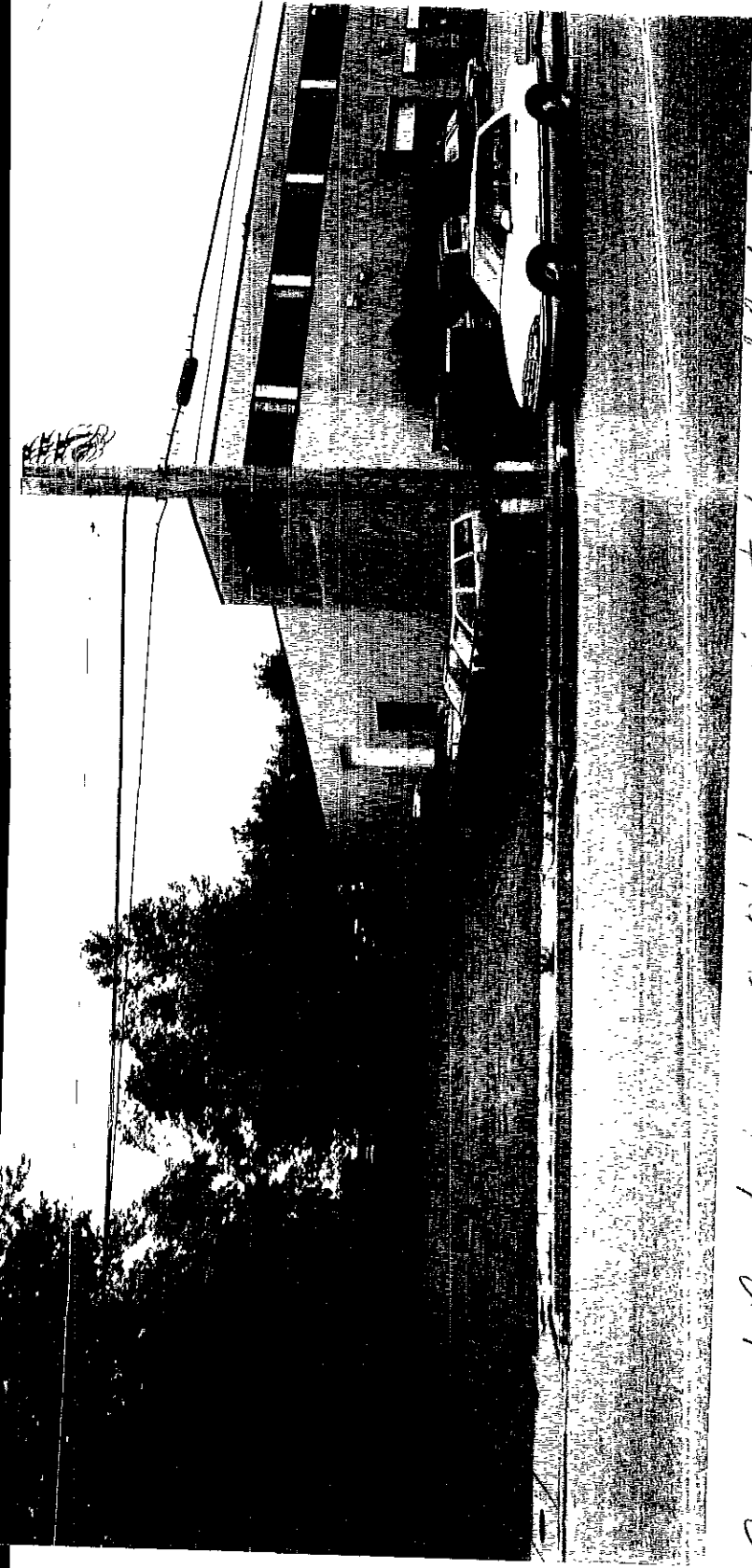
N. Beaver Dam Road frontage



O. Zenmar Tools. Interior



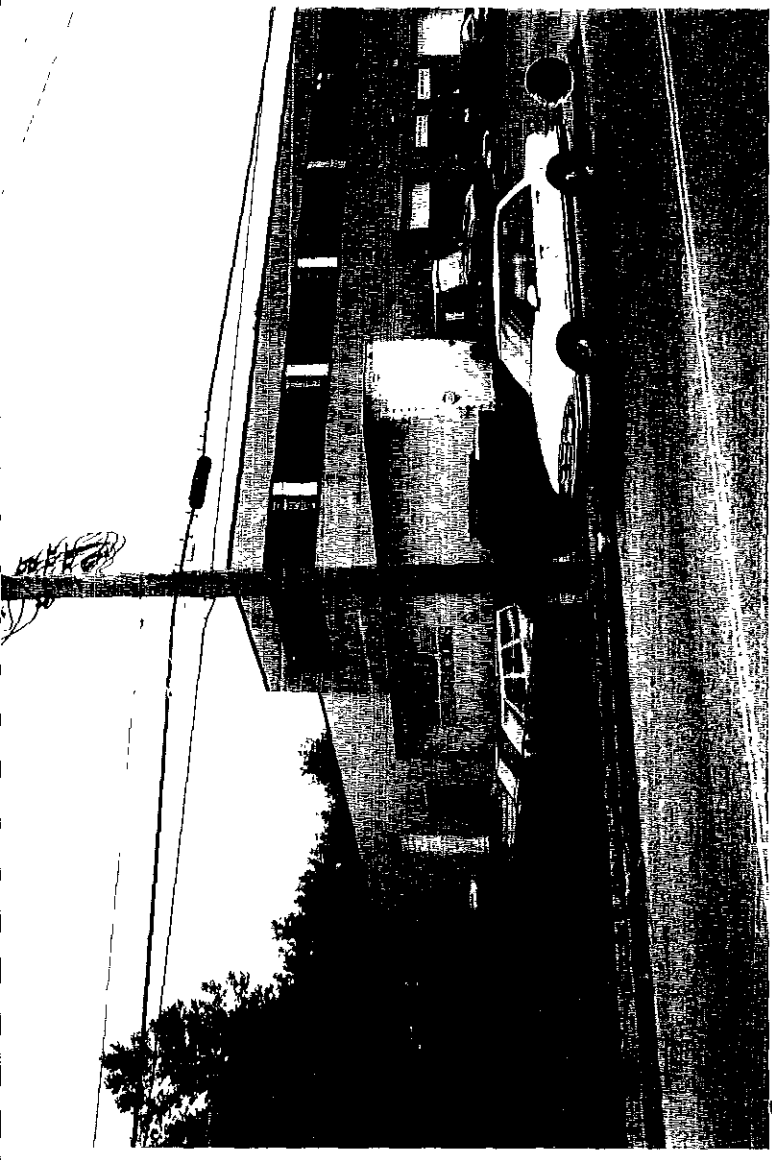
A. 3 Properties on the S/S of Cockeysville Rd. - Ward Property in center -
Hickes on right



B, Ward Property looking S, Pickers on right note fence and loading dock



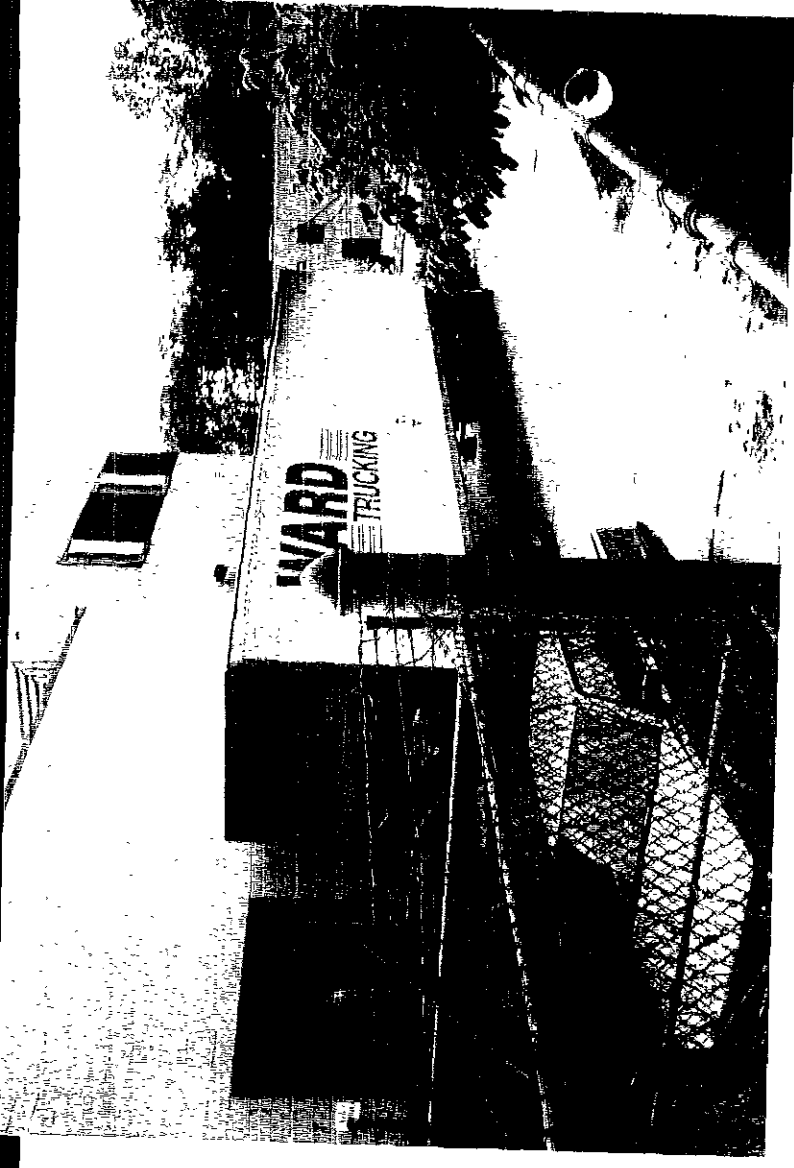
C: Glover and Forest Valley Motor Coach
on S/S of Cockeysville



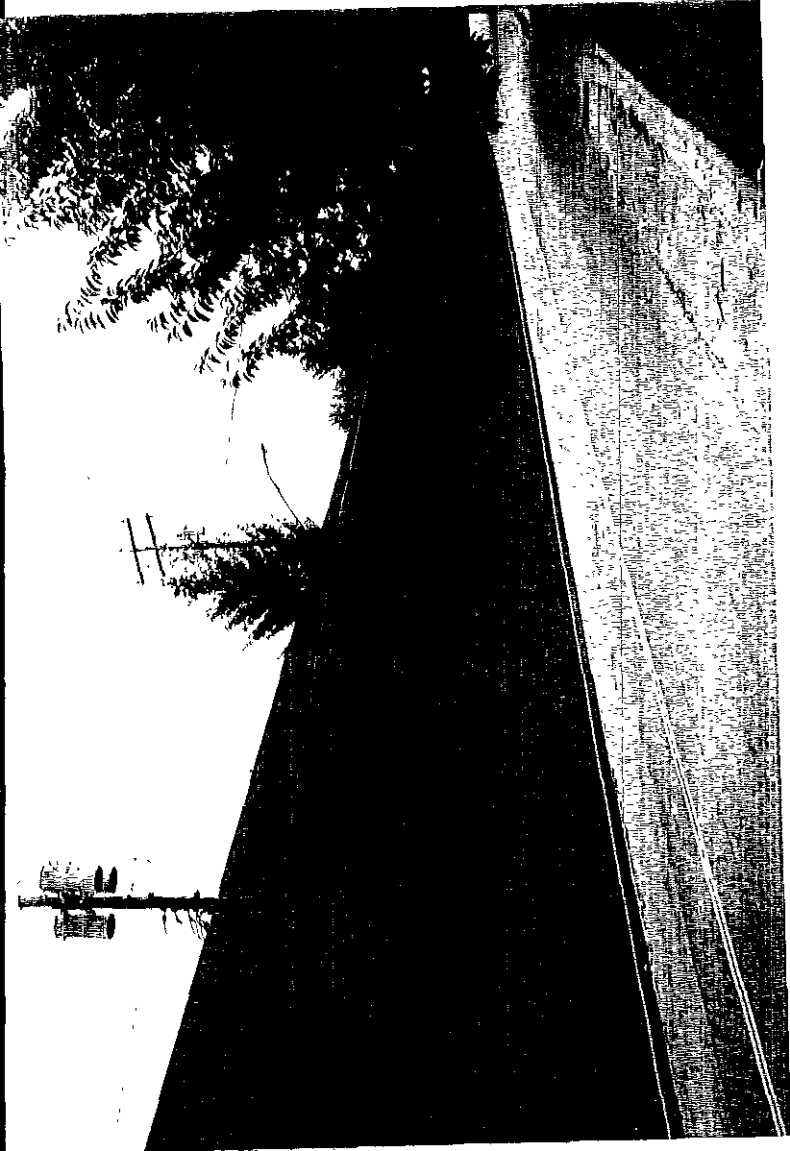
D: Truck Building into Glover under
present conditions



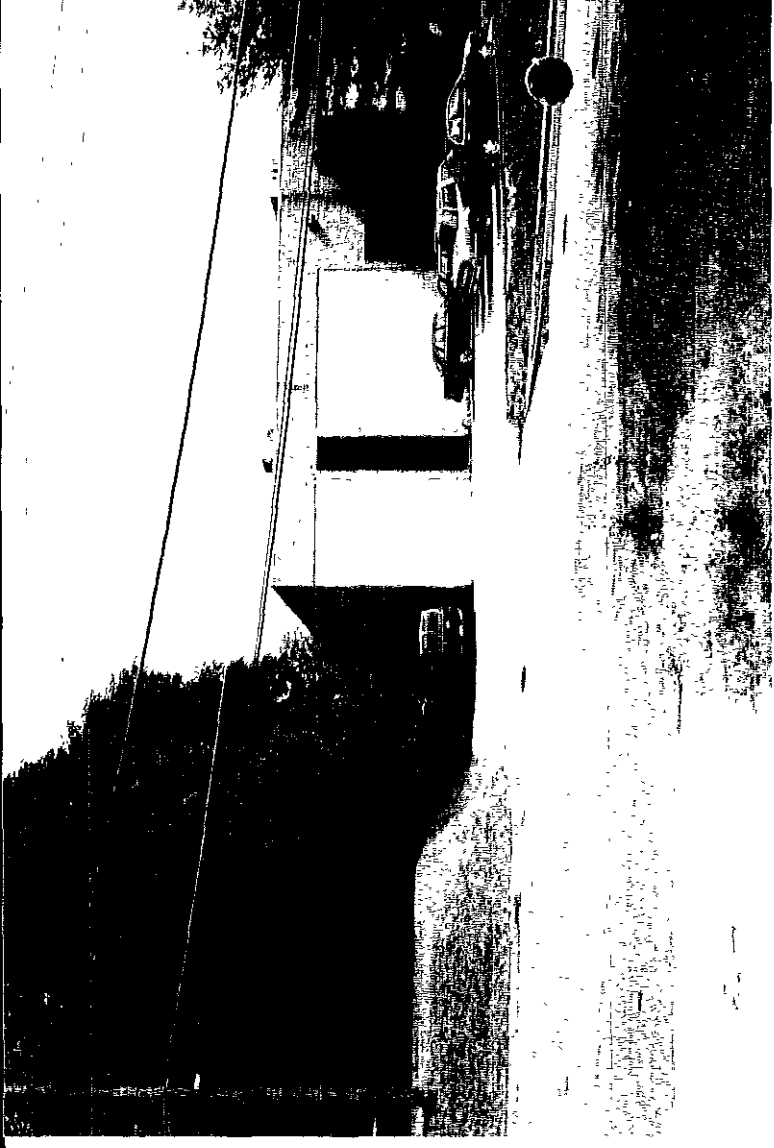
E. Pallet storage in front area



F. Truck and dumpster in side yard.



G. Large Building on S/S of Cockeysville Rd.



H. E/S of Glover Supply - S/S of Cockeysville Rd.



I: Property on N/5 of Cockeysville Ed. built about 5 ft. from
Common Property Line.


S. STANSBURY BRADY, JR.
GENERAL COUNSEL

THE WARD MACHINERY COMPANY
10615 BEAVER DAM ROAD COCKEYSVILLE, MARYLAND 21030 USA
TEL (410) 584-7700 FAX (410) 771-0016
DIRECT DIAL (410) 584-0544

5356/1

distances shown thus

16° 40' E	32.73 FEET ±
10° 20' W	1.35 FEET ±
8° 14' E	152.71 FEET ±
8° 20' E	180.17 FEET ±
8° 20' E	48.18 FEET ±
6° 40' W	147.32 FEET ±
0° 20' W	50.00 FEET ±
8° 40' W	128.00 FEET ±
0° 20' W	85.11 FEET ±
= 90 FEET, LENGTH = 124.53 FEET	
= N 03° 08' 05" E	
114.83 FEET	

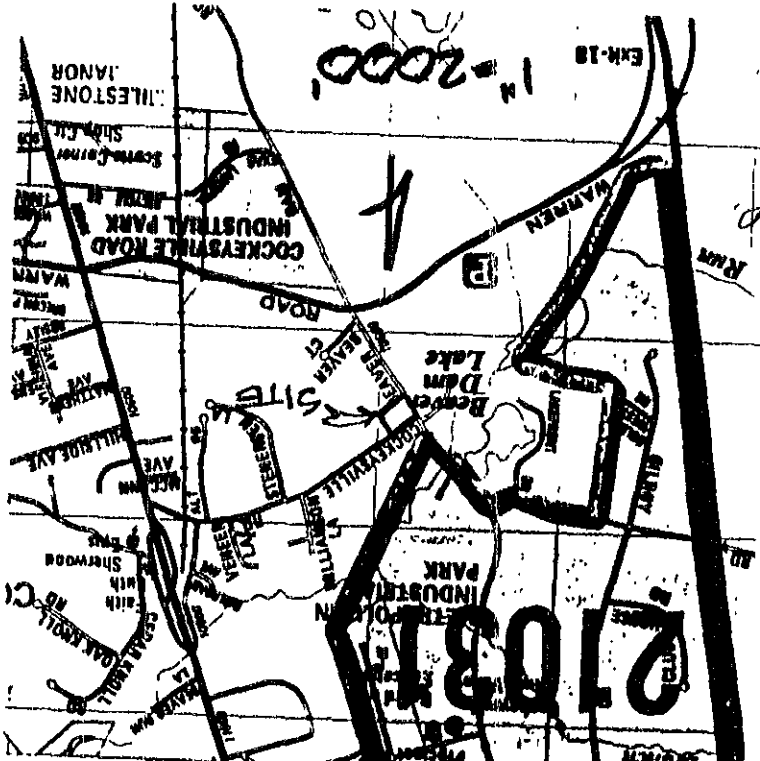
DEL NO. 5 - PLAT BOOK 32 FOLIO 145

The 13.5 Acre
WARD MACHINERY
SITE

10615 BEAVER DAM RD.
COCKEYSVILLE

DRAINAGE FLOWS
ONTO
HOOKER PROPERTY
243 COCKEYSVILLE RD.

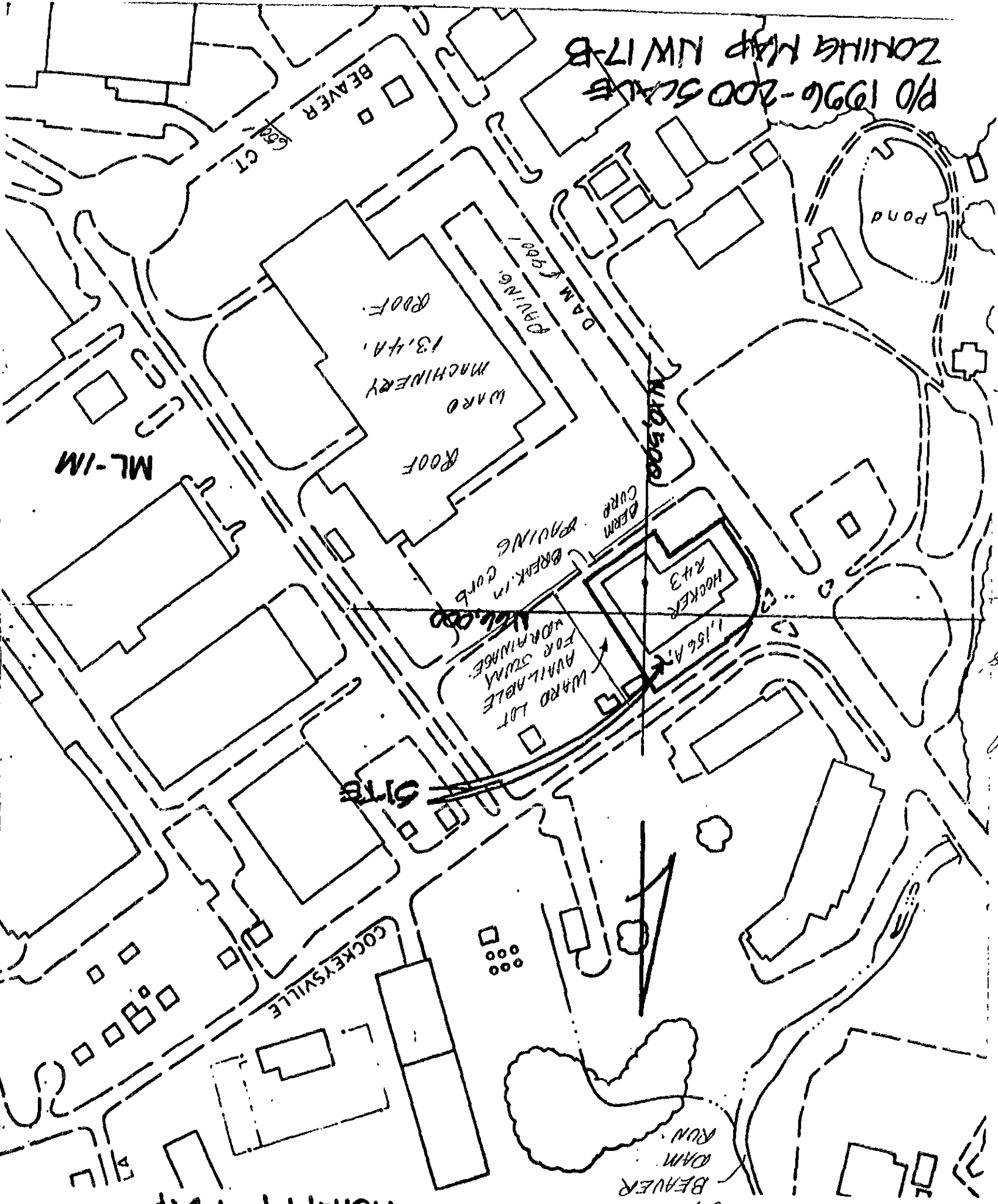
VICINITY MAP



DESIGNATED
THOSE EMPLOYEES
D Jockey Cars
PING SCHEDULES

37,000 cu. ft.
water could
be easily shed
in a holding
pond. 100x50x8
in depth.

to hat to
a 5,10 and
100 year
storm for
10 pond
area?



P/O 1996-200 SCALE
ZONING MAP NW 17-B

On the order of 10 acres of Ward
Machinery 13.44 A. ROOF
DAM 1996
WARD MACHINERY
BEAVER
CT

PLAT TO ACCOMPANY A ZONING PETITION FOR VARIANCE FOR
243 COCKEYSVILLE ROAD

On the order of 10 acres of Ward
Machinery 13.44 A. ROOF
DAM 1996
WARD MACHINERY
BEAVER
CT



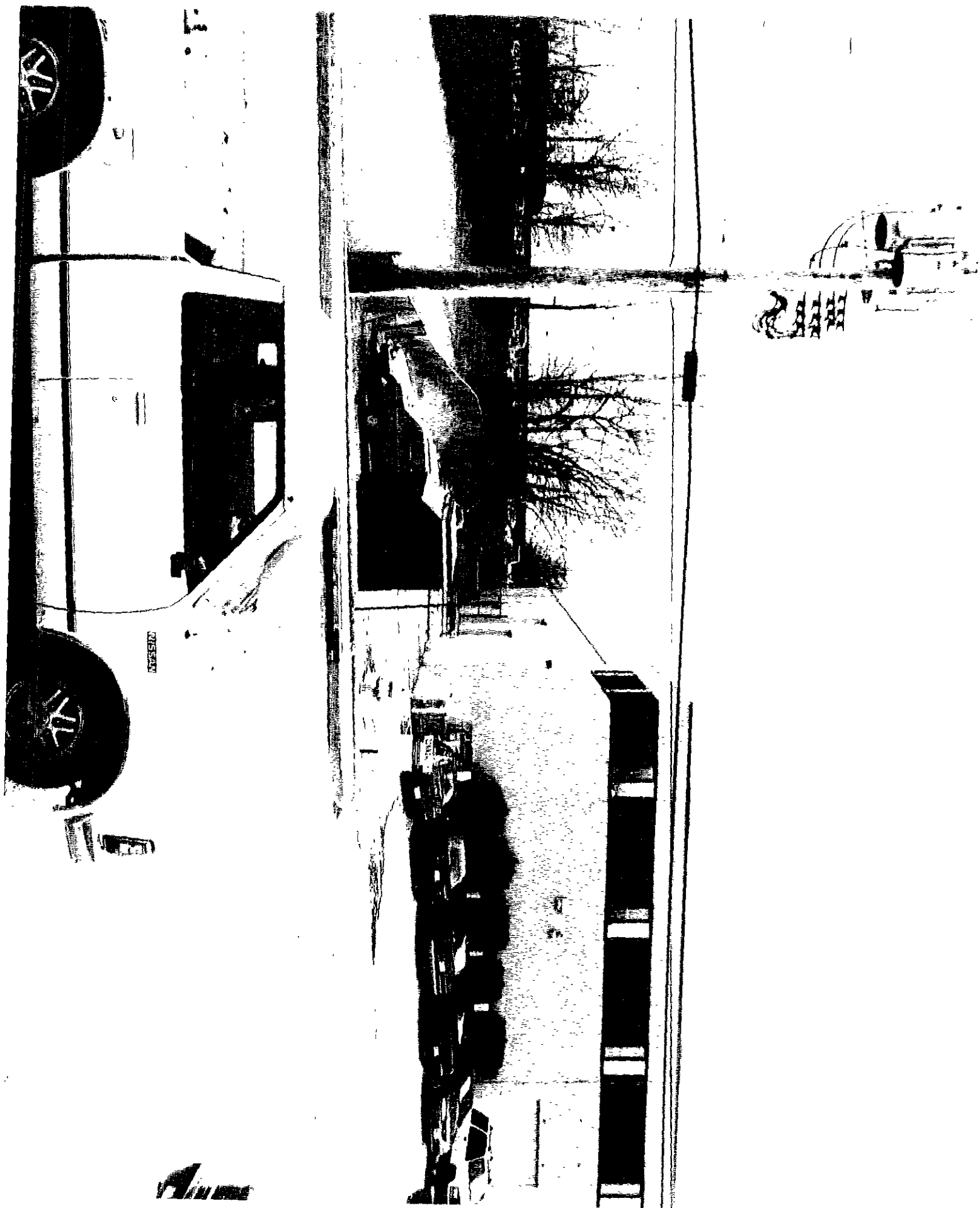
Part of 1986 Aerial
Cockeysville, Wv 17-13
200 Scale red. to 75%

Plot #6

Handwritten numbers: 2, 17, 5, 6

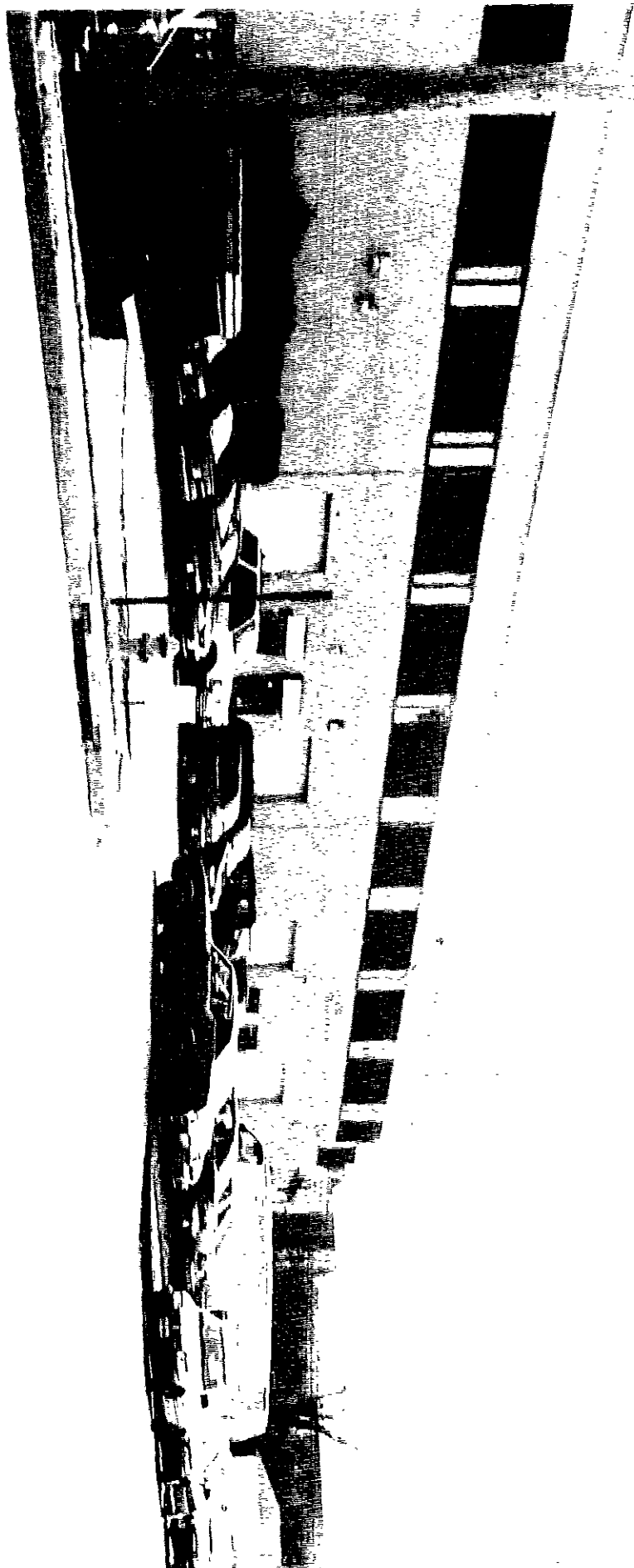


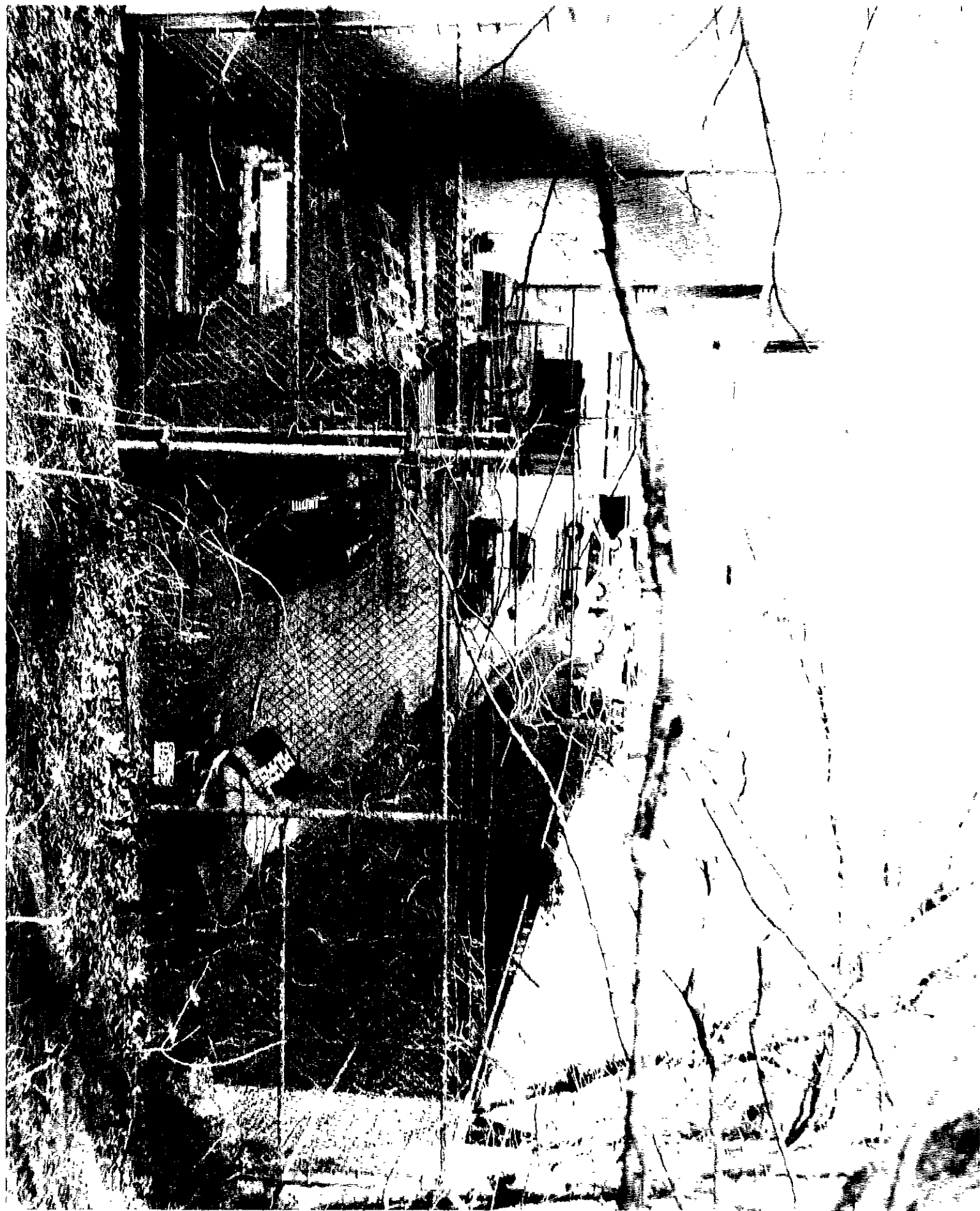
340,000
3 SIDES
N
E





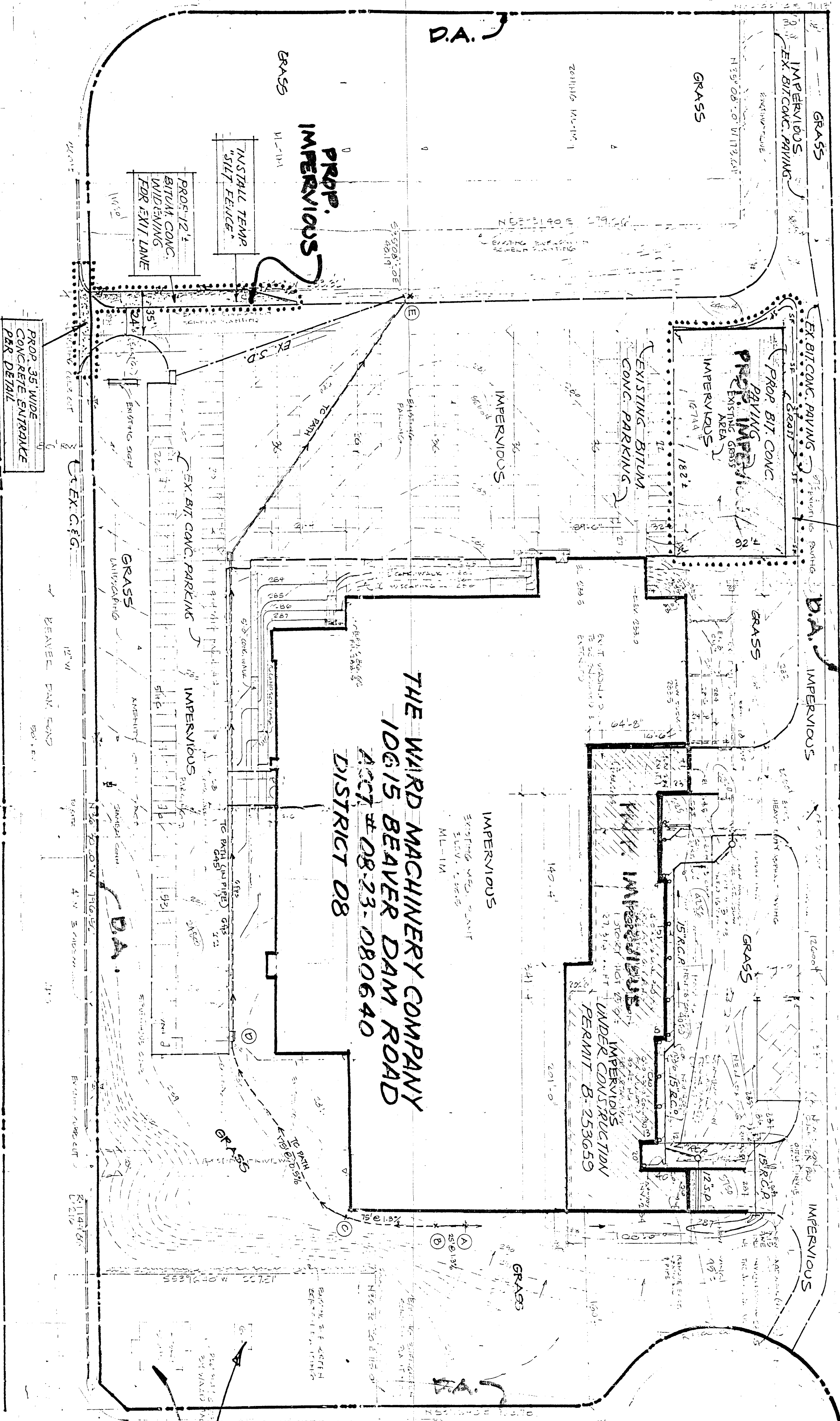






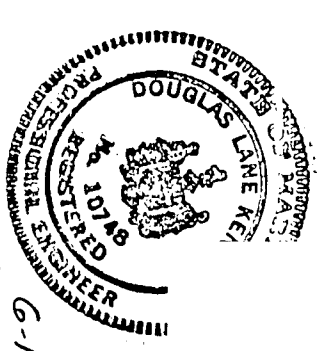
INSTALL TEMP
SILT FENCE

B. STABILIZE AND
PERMANENT SEED MIXTURE.
C. REMOVE ALL SEDIMENT CONTROL DEVICES



PLAT TO ACCOMPANY APPLICATION
FOR BUILDING PERMIT
for
NEW PARKING AREA

THE WARD MACHINERY COMPANY
at
10615 BEAVER DAM ROAD
DISTRICT 8 C3 BALTIMORE COUNTY, MARYLAND
Scale: 1" = 50'
June 12, 1996



TOTAL BLDG AREA w/ NOTATION - 184,787 sq ft
TOTAL GRASS SITE AREA - 530,120 sq ft
FLOOR AREA RATIO - 0.34
NO OFF-STREET PARKING
NO SPEED-UP USE REDUCTION
NO ZERO SETBACK REQ
NO ADS REQ'D

CITE PLAN SCALE: 1" = 50'-0"

KEY:
EXISTING CONC.
NEW CONC.
PARKING SPREADDOWN:
EXISTING DRIVE - 30' x 12'
NEW DRIVE - 30' x 12'
EXISTING PLACED ON GUT-EXTEND
EXISTING PLACED ON GUT-EXTEND
14' BY 12' BY 12' BY 12'

EXISTING
STRUCTURE
TO BE RA

SITE DATA

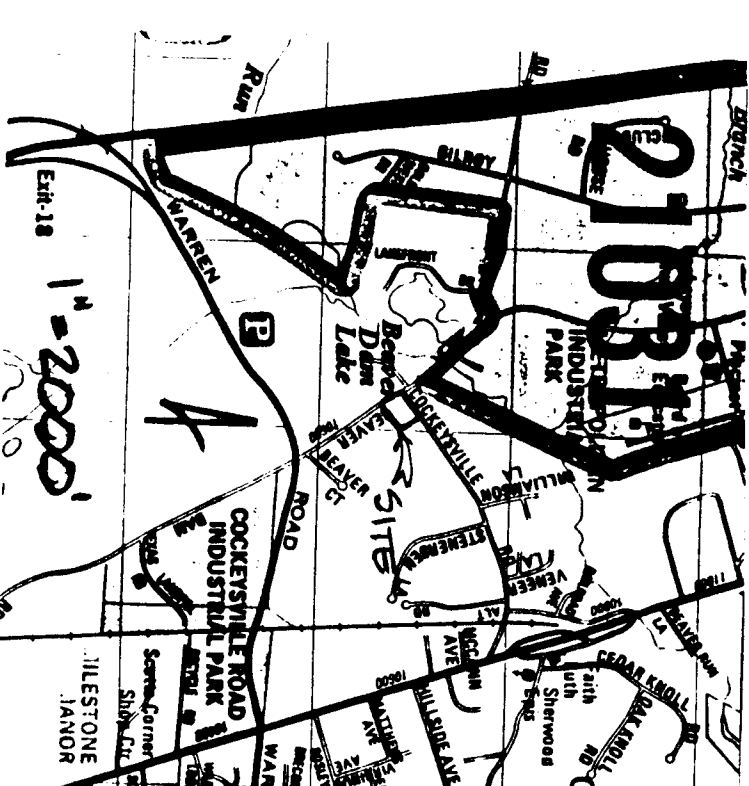
AREA OF SITE = 1.156 ACRES ±
 EXISTING ZONING = ML
 COUNCILMANIC DISTRICT = #3
 ELECTION DISTRICT = #8
 TAX ACCOUNT NUMBER = 17-00-003548
 DEED REFERENCE = 6979/115

OWNER

HOCKER REALTY AND INVESTMENT COMPANY
 CO BARBARA H. SIMMONS
 1018 COMPEWS AVENUE
 BALTIMORE, MARYLAND 21286-1626

- Bearings and distances shown thus
- 1) N 53° 16' 40" E 32.73 FEET ±
 - 2) N 36° 30' 20" W 1.35 FEET ±
 - 3) N 53° 48' 14" E 152.71 FEET ±
 - 4) S 35° 08' 20" E 190.17 FEET ±
 - 5) S 35° 08' 20" E 48.19 FEET ±
 - 6) S 53° 16' 40" W 147.32 FEET ±
 - 7) N 36° 30' 20" W 50.00 FEET ±
 - 8) S 53° 16' 40" W 128.00 FEET ±
 - 9) N 36° 30' 20" W 85.11 FEET ±
 - 10) RADIUS = 90 FEET, LENGTH = 124.53 FEET
 CHORD = N 03° 08' 05" E 114.83 FEET
- (BEING PARCEL NO. 5 - PLAT BOOK 32 FOLIO 145)

VICINITY MAP

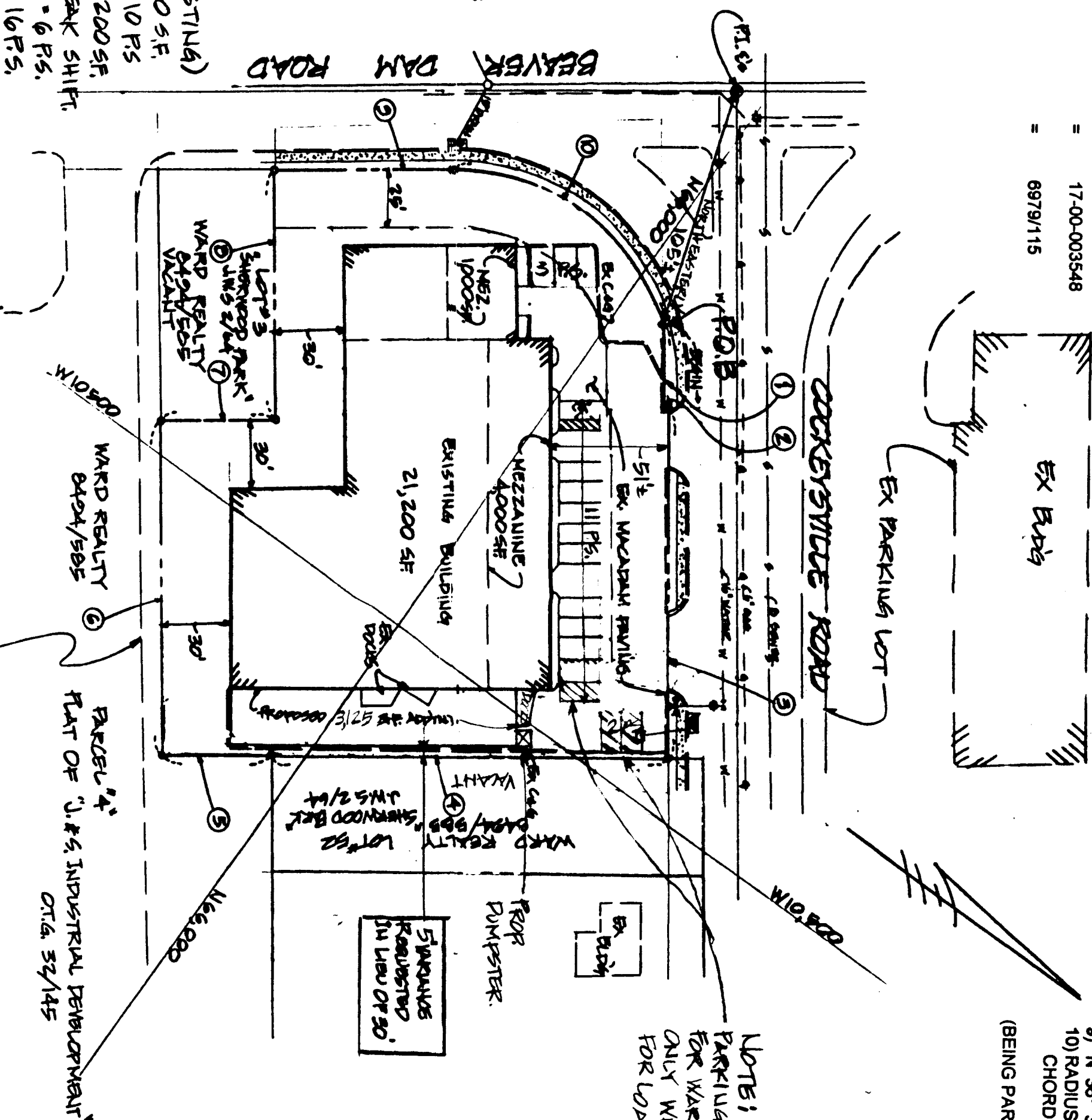


NOTE:
 LAST PERMIT
 # 44850
 ISSUED 8/19/82
 COMPLETED 1/10/83
 4200 SF

PARKING (EXISTING)
 MEZZANINE 5000 SF
 EIRS/500 SF = 10 PS
 WAREHOUSE 21,200 SF
 EIRS/3648.67 SF = 6 PS
 18 EMPLOYEES ± = 6 PS
 TOTAL REQ. = 16 PS
 AVAILABLE = 10 PS
 MIN. PS = 8 1/2 x 15'

NOTE: PROPOSED EXPANSION
 3125 SF WITH NO ADDITIONAL
 EMPLOYEES.

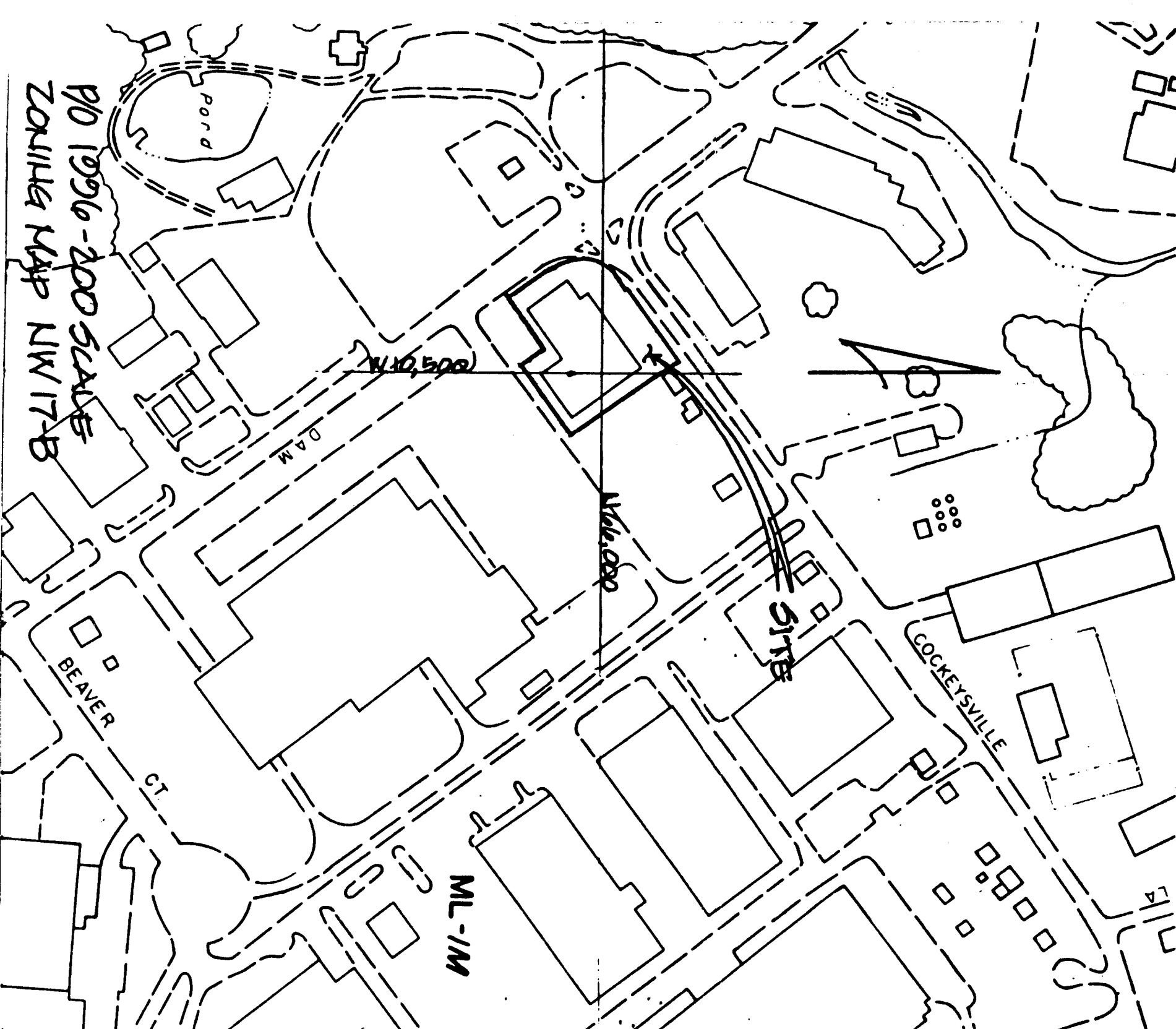
PLAN
 1" = 50'



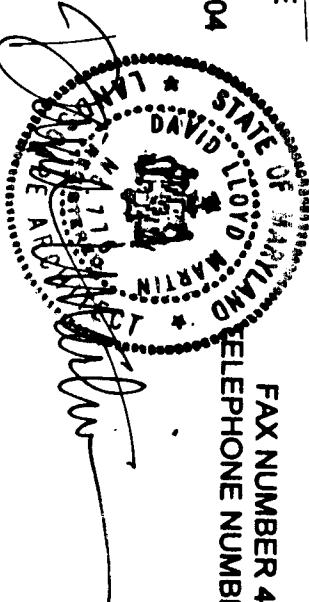
NOTE:
 PARKING DESIGNATED
 FOR WAREHOUSE EMPLOYEES
 ONLY WHO LOOKEY CARS
 FOR LOADING SCHEDULES

NOTE: ALL SURROUNDING
 PROPERTIES A ZONED
 ML-1M.

97-279-A



GWS
 GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 658 KENILWORTH DRIVE
 SUITE 100
 TOWSON, MARYLAND 21204
 FAX NUMBER 410-583-0288
 TELEPHONE NUMBER 410-825-8120



PLAT TO ACCOMPANY A ZONING PETITION FOR VARIANCE FOR
 243 COCKEYSVILLE ROAD
 JAN. 6, 1997

97-4

[illegible]

OWNER

**HOCKER REALTY AND INVESTMENT COMPANY
C/O BARBARA H. SIMMONS
1019 COMPENS AVENUE
BALTIMORE, MARYLAND 21206-1626**

(BEING PARCEL NO. 5 - PLAT BOOK 32 FOLIO 145

VICINITY MAP

COCKEYSVILLE

ML-1M

BEAVER

DAM

POND

PO 1996-200 SCALE
ZONING MAP NW 17-B

PLAT TO ACCOMPANY A ZONING PETITION FOR VARIANCE FOR
243 COCKEYSVILLE ROAD
JAN. 6, 1997

NOTE:
PARKING DESIGNATED
FOR WAREHOUSE EMPLOYEES
ONLY WHO LOCKEY CARS
FOR LOADING SCHEDULES

NOTE:
BEST PERMIT
#44050
ISSUED 08/18/03
COMPLETED 1/10/03
4:00 A.F.

PARKING (EXISTING)
MEZZANINE 5000 SF.
@ 1 PS / 500 SF = 10 PS.
WAREHOUSE 21,200 SF.
@ 1 PS / 3 EMP. PERK SHIFT.
10 EMPLOYEES ÷ 3 = 6 PS.
TOTAL REQ = 16 PS.
AVAILABLE = 16 PS.
MIN. PS = $2\frac{1}{2} \times 10'$

NOTE: PROPOSED EXPANSION
3/25 S/F WITH NO ADDITIONAL
EMPLOYEES.

PLAN
1" = 50'

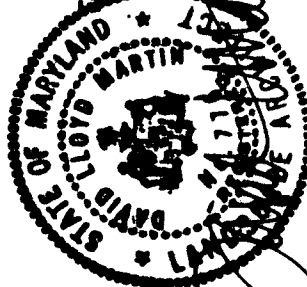
NOTE: ALL SURROUNDING
PROPERTIES A ZONED
ML-1M.

GWS

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

**658 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204**

FAX NUMBER 410-583-0288
LEPHONE NUMBER 410-825-8120



V.S. KILPAT